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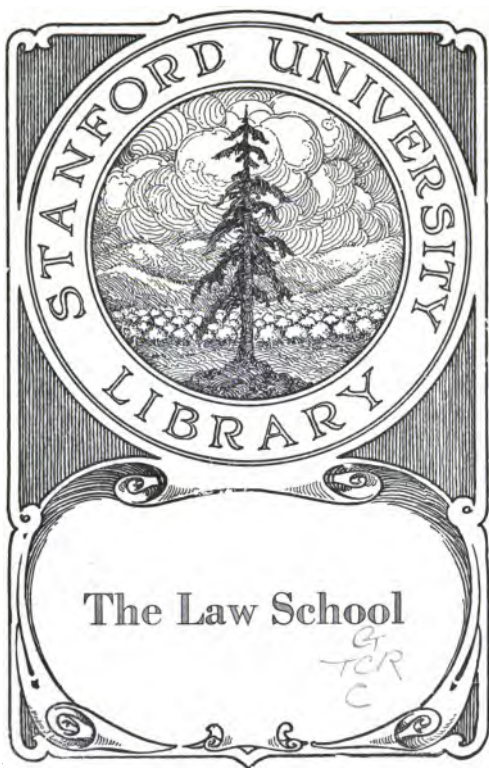
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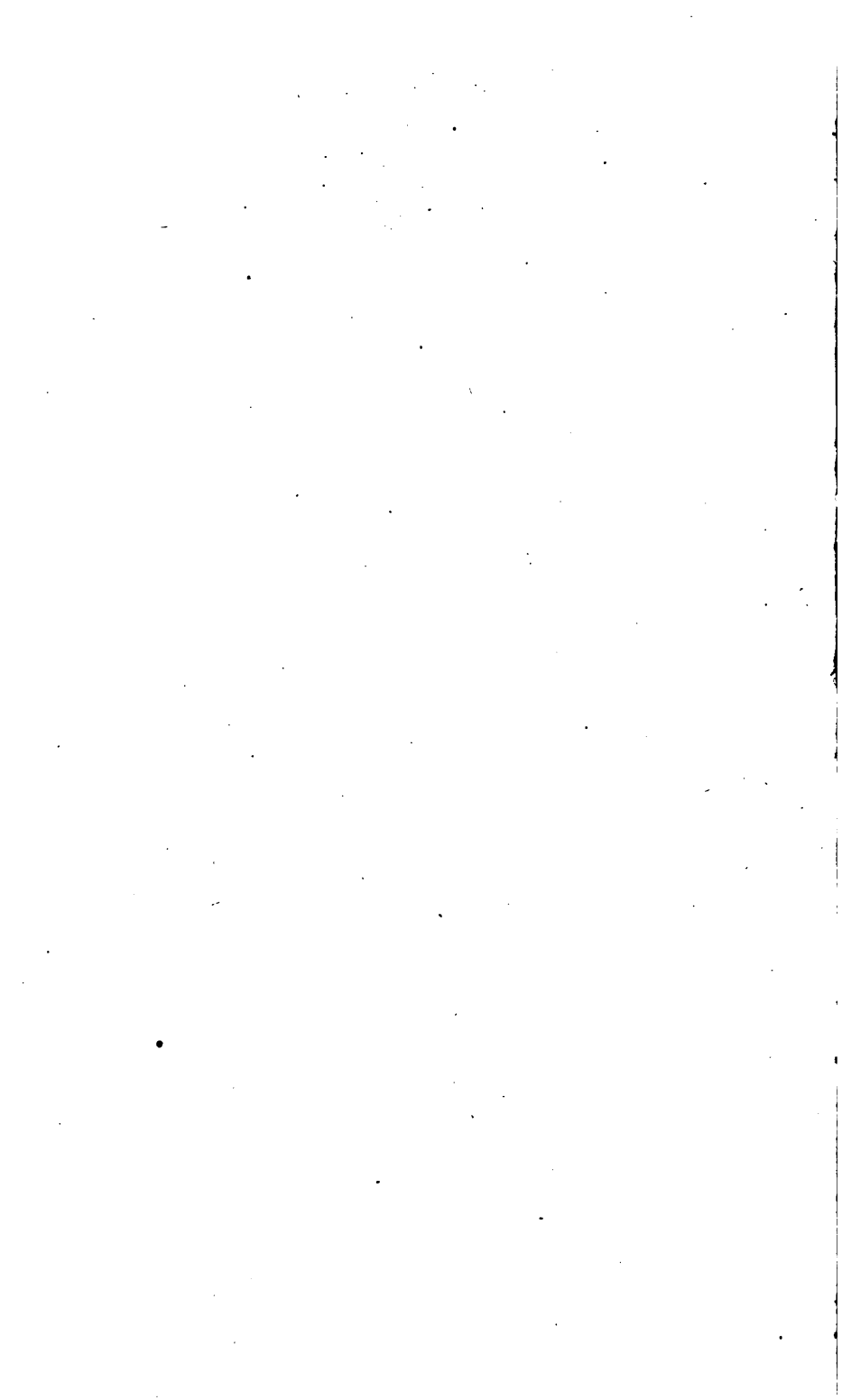
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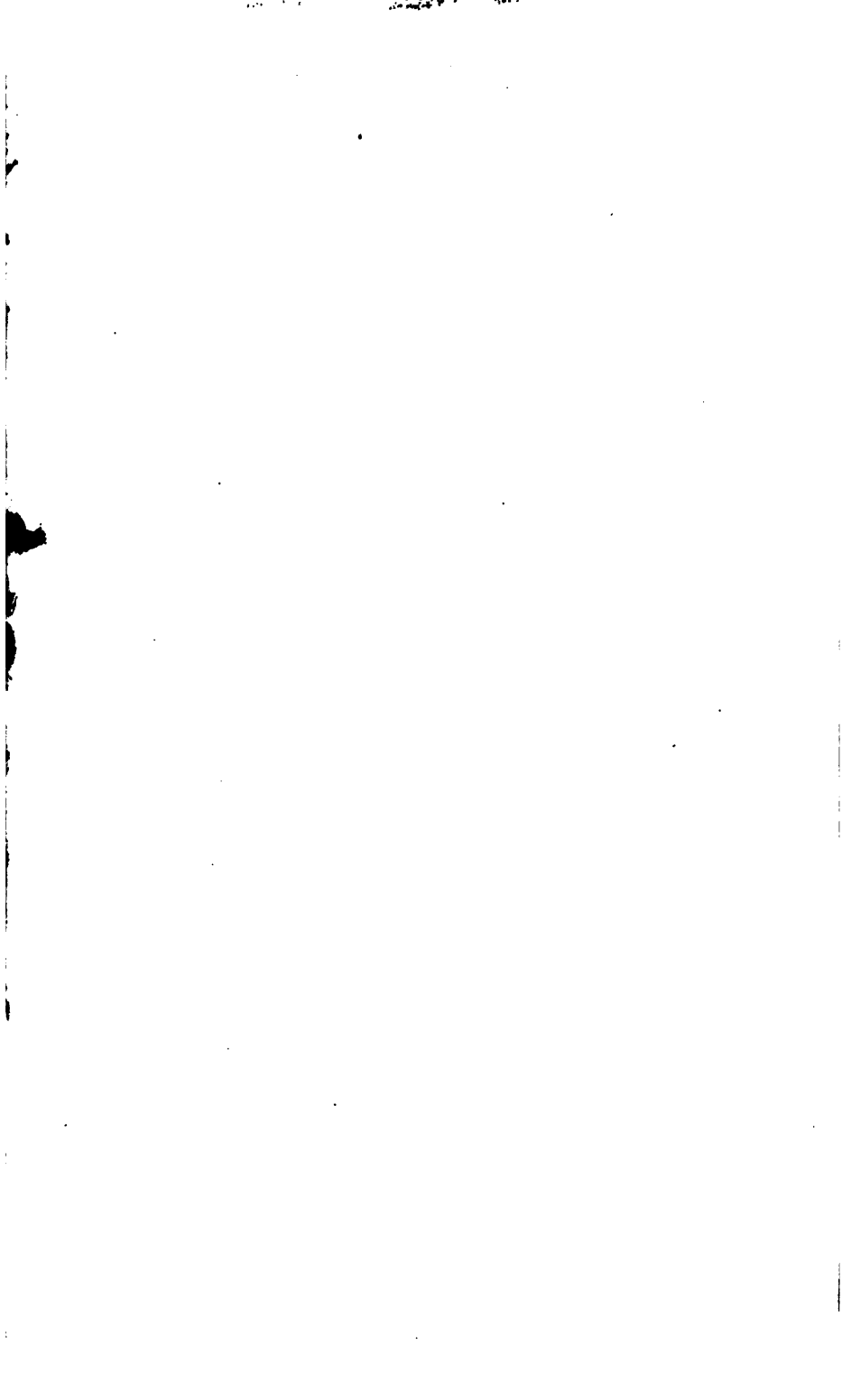
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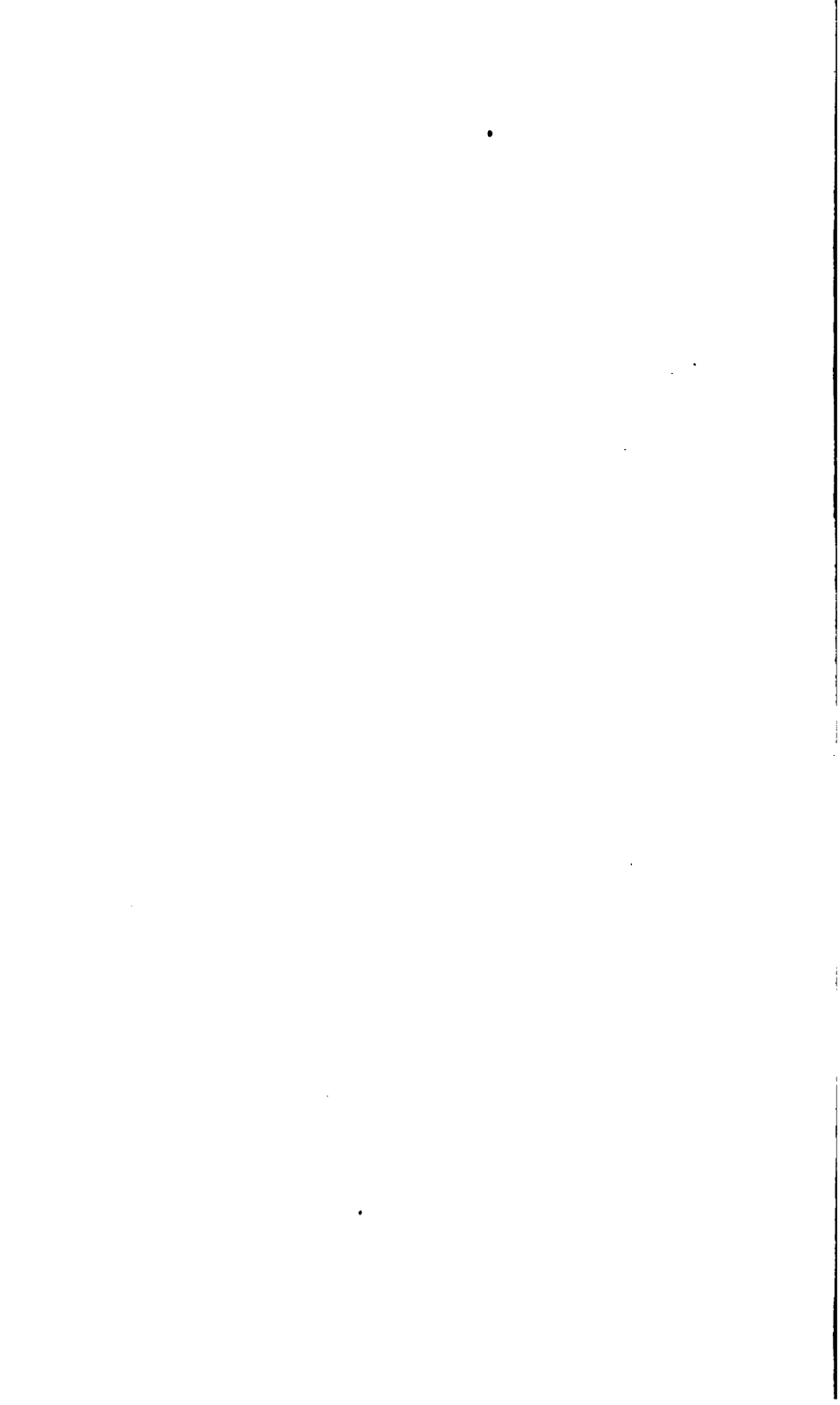
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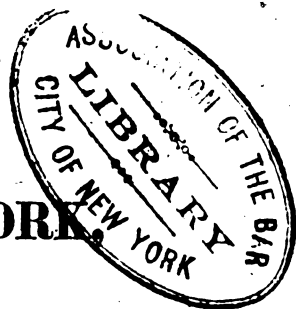


APR 5 1912

L A W S

OF THE

STATE OF NEW-YORK



PASSED AT THE

THIRTY-SIXTH SESSION

OF THE

LEGISLATURE,

Begun and held at the City of Albany,

THE SECOND DAY OF NOVEMBER, 1812.



A L B A N Y :
PRINTED FOR S. SOUTHWICK,
PRINTER TO THE STATE.

1813.

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L A W S

OF THE

STATE OF NEW-YORK,

Passed at the Thirty-Sixth Session of the Legislature,

BEGUN AND HELD AT THE CITY OF ALBANY,

THE SECOND DAY OF NOVEMBER, 1812.

CHAP. I.

An ACT directing the confinement of John Bowman in the State-Prison at hard labor for life.

Passed November 10, 1812.

WHEREAS John Bowman, at a court of oyer and terminer held in and for the county of Herkimer, in the month of September last past, was convicted of the murder of a female child, and sentenced to be executed on the fourth day of December next: And whereas from the report of the judge who presided at the trial of the said John Bowman it appears, that at the time the said crime was committed, the said John Bowman was about nine years of age: Therefore, in consideration of the extreme youth of the said John Bowman,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That instead of the punishment of death, the said John Bowman shall be and is hereby directed to be confined in the state-prison at hard labor, for and during the term of his natural life; and that it shall be the duty of the sheriff of the county of Herkimer, on or before the first day of December next after the passing of this act, to remove the said John Bowman from the prison in the said county of Herkimer, and him safely deliver to the keeper or keepers of the said state-prison; and that it shall be the duty of the said keeper or keepers of the said state-prison to receive the said John Bowman into the said state-prison, and him to keep at hard labor during his natural life.

LAWS OF NEW-YORK, 36th Session.

CHAP. II.

An ACT making provision for an additional compensation of the members of the Legislature and the of fees of both houses.

Passed November 10, 1812.

BE it enacted by the people of the state of New-York represented in Senate and Assembly, That the treasurer shall pay, on the warrant of the controller to the president of the Senate and speaker of the Assembly, and to each member of the Senate and Assembly, and to the officers of both houses, and to the clerks who have attended as chaplains, the like compensation for their services during the present meeting of the Legislature, and for each day's travel, as was allowed by law at the last session.

CHAP. III.

An ACT relative to the Court of Common Pleas in the county of Orange, and Court of General Sessions of the Peace in the county of St. Lawrence.

Passed November 10, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That all writs and process issued out of the court of common pleas for the county of Orange, and made returnable in the said court on the first Tuesday in September last, shall be and hereby are declared (with all the proceedings had thereon) as valid and beneficial to the parties interested therein as if they had been made returnable in said court on the first Monday in September last, which, by an act passed at the last session of the legislature, became the return day of said court.

Comd. Sec.
of St. Lawrence

Comd. Sec.
of St. Lawrence

BE it further enacted, That so much of the act entitled "An act to erect a part of this state into a county by the name of the county of St. Lawrence," passed March 3d, 1808, as directs a court of general session of the peace to be held in the said county of St. Lawrence on the first Tuesday of June, is hereby repealed; and that there shall be held in the said county of St. Lawrence, a court of general session of the peace on the second Tuesday in January in each year.

CHAP. IV.

An ACT to alter the times of holding the Courts of Common Pleas in Putnam County, and for other purposes.

Passed November 10, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, the term of the court of common pleas held on the second Tuesday in April, shall commence and be held on the first Tuesday of February, and shall continue until the Saturday thereafter inclusive, if necessary; and further, that there shall be held in and for the said county of Putnam, one additional term of the said court of common pleas, making three distinct and separate terms of said court in every year; which additional term of said court shall commence and be holden on the first Tuesday in June, and shall continue, if necessary, until the Saturday thereafter inclusive. And further, that all process which shall or may have been issued out of said court, tested of October term, and made returnable on the second Tuesday in April following, shall be returned on the first Tuesday in February, and such return shall be valid against all persons therein concerned, any law to the contrary thereof notwithstanding.

II. *And be it further enacted*, That a court of general sessions of the peace shall be held in the said county at each and every term of the said courts of common pleas.

III. *And be it further enacted*, That all that part of the second section of the act entitled "An act to divide the county of Dutchess," which this act otherwise directs and provides for, shall be and the same is hereby repealed.

CHAP. V.

An ACT for the relief of Elizabeth Hamilton.

Passed November 10, 1812.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant by letters patent to

Elizabeth Hamilton, and to her heirs and assigns, the like number of acres of land which have been granted to officers of the grade of lieutenant-colonel in the line of the state in the army of the United States, during the revolutionary war, in the tract set apart for the use of the troops of this state in the army of the United States, as a compensation for the services of the late Alexander Hamilton.

CHAP. VI.

An ACT authorizing the Mayor, Aldermen and Commonalty of the city of Schenectady to sell certain lands therein mentioned. Passed November 10, 1812.

WHEREAS a petition from the mayor, aldermen and commonalty of the city of Schenectady, under their corporate seal, hath been presented to this legislature for leave to dispose of three thousand two hundred acres of their common lands, to be selected from the gores and remnants, the corners and gussets, the detached and irregular pieces lying in the patent of Schenectady, and belonging to said corporation: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the mayor, aldermen and commonalty of the city of Schenectady aforesaid to convey the said three thousand two hundred acres of the common lands belonging to the said corporation for the purposes set forth in their said petition, any thing in the acts of the legislature of this state heretofore passed to the contrary notwithstanding.

CHAP. VII.

An ACT to alter the time of holding the January terms of the courts of Common Pleas and General Sessions of the Peace in and for the counties of Otsego and Schenectady, and for other purposes.

Passed November 11, 1812.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act the January term of the courts of common pleas and general sessions of

Otsego
Jan. term
altered to
February.

the peace in and for the county of Otsego, shall be held on the second Tuesday of February in every year, at the court-house in said county, and shall be called the February term of said courts.

II. *And be it further enacted*, That from and after the passing of this act, the January term of the courts of common pleas and general sessions of the peace in and for the county of Schenectady shall be held on the last Tuesday of December in every year, at the court-house in said county, and shall be called the December term of said courts.

Schenectady Jan. term altered to Dec.

III. *And be it further enacted*, That all writs, process, and other proceedings, made or to be made returnable, and all persons held or to be held to appear before the judges and assistant justices of the said courts at the court-house in said county of Otsego on any day of the term which if this act had not been passed would be called January term next, shall be deemed and taken to be made returnable and held to appear before the judges and assistant justices of the said courts, at the court-house in said county, on the second Tuesday of February next: And further, that the said courts of common pleas and general sessions of the peace, and all suits and matters therein depending or being, shall be deemed and taken to be continued from the last October and June terms of the said courts respectively, unto the said second Tuesday of February next, at the court-house in said county, with the like effect to all intents and purposes whatsoever, as the same would have been continued to the second Tuesday of January next, at the court-house in said county, if this act had not been passed.

Writes how to be made returnable in Otsego.

IV. *And be it further enacted*, That the preceding section shall in all respects be applicable to the courts of common pleas and general sessions of the peace in and for the county of Schenectady; and that all writs, process and proceedings now or hereafter made returnable in the county of Schenectady on the second Tuesday of January next, shall be deemed and taken to be made returnable on the last Tuesday of December next, and the proceedings in said county be continued

In Schenectady.

to the said last Tuesday of December next, instead of the second Tuesday of January next.

V. And be it further enacted, That it shall be lawful for his Excellency the Governor to order by proclamation the election of a representative in the house of representatives of the United States, to fill the vacancy occasioned by the resignation of Robert Le Roy Livingston, one of the representatives of the district composed of the counties of Washington, Rensselaer and Columbia, to be held on the third Tuesday of December next, and the two next succeeding days, any thing in the act passed the 24th day of March, 1801, to the contrary notwithstanding.

Vacancy in
12th Con-
gress, how
to be filled

CHAP. VIII.

An ACT for the Pardon of Mary Cool.

Passed January 20, 1813.

WHEREAS Mary Cool was on the twentieth day of November last, at a court of oyer and terminer and gaol delivery held in and for the county of Ulster, convicted of the murder of her infant bastard child, and was accordingly sentenced to be executed on the twenty-ninth day of January instant: And whereas serious doubts are entertained with respect to the sufficiency of the evidence upon which the said Mary Cool was so convicted: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said Mary Cool, of and from the felony and conviction aforesaid, and all execution and forfeiture thereon, be and is hereby fully and absolutely pardoned and discharged.

CHAP. IX.

An ACT to explain and amend the act entitled "an act relative to the Village of Ballston Spa."

Passed January 27, 1813.

BE it enacted and declared by the people of the state of New-York, represented in Senate and Assembly, That nothing in the act entitled "An act relative to the village of Ballston Spa," shall be so construed as to enable the corporation thereby created in any wise

to limit, obstruct or hinder the free and common use, for transportation or otherwise, of the mineral waters in the said village: *Provided*, That from the first day of July to the first day of November in each year the waters to be taken from the Springs shall be taken between an half an hour after sunset, and an half an hour before sunrise.

CHAP. X.

An ACT dividing the Town of Russell.

Passed January 27, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the town of Russell, in the county of St. Lawrence, which on the map of this state is known and distinguished by the townships of the names of Hammond, Somerville and Kilkenney, shall be and hereby is erected into a separate town by the name of Rossie; and that the first town meeting shall be held at the dwelling-house of Reuben Streater, in said town; and that all the remaining part of the said town of Russell shall be and remain a separate town by the name of Russell.

Town of
Rossie e-
rected.

CHAP. XI.

An ACT for the sale of the real estate of Henry Slegt, late of Kingston, in Ulster county.

Passed January 27, 1813.

WHEREAS it appears by the petition of Henry B. Slegt and others, that the personal estate of Henry Slegt, late of Kingston, in Ulster county, is not sufficient for the payment of his debts and legacies, and that certain legacies in his will are charged on his real estate: And whereas it also appears that there are more than fifty persons interested in the said real estate of the said Henry, several of whom are minors, some femes covert, and residing in different parts of this state, so that a payment of the debts and legacies cannot be had at law or in equity without very great expense, trouble and inconvenience: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall*

as if the original survey of the said west line had designated the true west line thereof: *Provided*, That the title to none of the said land shall be affected by this act, unless the appraised value thereof, with interest at the rate of six per centum per annum from the appraisal until the payment thereof, shall be paid into the treasury of this state within two years from the passing of this act.

CHAP. XIV.

An ACT authorizing the building of a fire-proof Clerk's Office in the County of Broome.

Passed January 27, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it may and shall be lawful for the board of supervisors of the county of Broome to build or cause to be built at the village of Chenango-Point, in said county, a fire-proof clerk's office, of such materials and dimensions as to them shall appear necessary and expedient; and immediately after the said building is completed, to draw on the treasurer of the said county for a sum not exceeding six hundred dollars towards defraying the expenses of completing said building; and the said treasurer is hereby authorized and required to pay such sum out of any monies then remaining in his hands unappropriated.

CHAP. XV.

An ACT for dividing the town of Windham into three towns.

Passed January 27, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That all that part of the town of Windham, in the county of Greene, lying east of the easterly line of great lot number twenty-two in the Hardenbergh patent, and south of the height of land between the East kill and the great hollow, be erected into separate town by the name of Greenland, and that the first town-meeting in the said town of Greenland be held at the house of Daniel Bloomer in said town: That all that part of the said town of Windham lying northwardly of the last men-

Town of
Greenland
erected.

tioned line and of the height of land between Batavia and the south mountain settlement, crossing the highway leading from John Tuttle's to Abel Holcomb's, at a hemlock sapling standing on the east side of said road, marked R. D. and crossing the Schoharie kill on the south line of lot number eighteen in the sub-division of lot number twenty in the said Hardenbergh patent, and running from thence westerly to the county of Delaware, be erected into a separate town by the name of Windham; and that the first town-meeting in the said town of Windham shall be held at the house of John Tuttle in said town; and that all the remaining part of the said town of Windham shall be erected into a separate town by the name of New Goshen, and that the first town-meeting in the said town of New Goshen shall be held at the house of Abel Holcomb, in said town. New Goshen.

II. *And be it further enacted*, That so soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid shall, by due notice to be given by the supervisors thereof, meet together and apportion the poor maintained by the said town of Windham, and the poor money belonging to the same, agreeably to the last tax list; and that each of the said towns shall thereafter respectively maintain its own poor. Poor monies divided.

III. *And be it further enacted*, That this act shall take effect from and after the first day of April next.

CHAP. XVI.

An ACT relative to the Presbyterian Church and Congregation of Smith-town, in the County of Suffolk.

Passed February 5, 1813.

WHEREAS the trustees of the presbyterian church and congregation of Smith-town, in the county of Suffolk, have, by their petition presented to the legislature, represented that their predecessors in office, on the first day of January one thousand eight hundred and one, conveyed a certain piece of land described as follows: "all that messuage and tract of land situate in the township of Smith-town, and late the parson-

age of the presbyterian church of said town, bounded as follows, that is to say, eastwardly by the land of William Arthur, southwardly by the brook of the north-east branch, westwardly by the land formerly laid out to Job Smith, deceased, and now in possession of Isaac Blydenburgh, northwardly by the county road and a slip of land two rods wide reserved for a road, containing within the aforesaid bounds, one hundred and twenty acres, more or less, as the same was laid out and recorded in the records of said town, together with all and singular the houses, buildings, orchards, trees, ways, and privileges thereunto belonging; also all of a certain right or share of meadow, with the appurtenances, situate in Niseguage river, and denominated the parsonage meadow, the title whereof was then vested in the said corporation: And whereas doubts have arisen as to the regularity of the proceedings of the said trustees in the premises, and of the validity of their said sale without legislative interference: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the grant of the aforesaid lands made by Nathaniel Smith, Caleb Smith, Mills Philips, Joshua Smith, jun. Jonas Mills, and Thomas Hallock, as trustees of the presbyterian church and congregation of the town of Smithtown, in Suffolk county, to Luther Gleson, made and executed on the said first day of January, one thousand eight hundred and one, is hereby confirmed, and that the same shall be held to have vested at the time of the execution thereof in the said Luther Gleson, his heirs or assigns, all the estate, interest and property, either in law or equity, which the said corporation, on the day last mentioned, had or ought to have in the same.

CHAP. XVII.

An ACT to amend the act entitled "an act for the assessment and collection of taxes," passed the eighth day of April, eighteen hundred and eleven.

Passed February 5, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from

and after the passing of this act, the supervisors of the respective towns of the county of Kings shall hold their first meeting on the first Tuesday of August in every year, to transact the ordinary business of the said county, and deliver their warrants and tax lists to the several collectors for the collection of taxes in said county, by the first Tuesday of September in every year; and that the collectors of the several towns in said county shall settle their accounts with the treasurer of the aforesaid county on or before the first Tuesday of November in every year; and that the town clerks of the respective towns in the said county of Kings shall certify and deliver to the supervisors of their respective towns, the names of all the assessors and collectors in the same, between the first day of May and the first Tuesday of August in every year, any thing contained in the act hereby amended to the contrary notwithstanding.

CHAP. XVIII.

An ACT for the relief of Robert Ross and others.

Passed February 5, 1813.

WHEREAS it appears to the legislature by the petition of Robert Ross, of Eastchester, in the county of Westchester, and by the agreement between him and Enos Parker, and the papers thereto annexed, that a suit at law has and now is depending between the said Robert Ross, James R. Smith and Ann Smith, infants above the age of fourteen and under the age of twenty-one years, of whom the said Robert Ross is duly appointed guardian, and the said Enos Parker, relative to the title of a tract of land of one thousand and fifty acres, situate in the town of Kortright, in the county of Delaware, being the moiety or half part of a tract of land granted by letters patent, dated the twenty-second day of May, one thousand seven hundred and seventy, by the late colony of New-York to one James Clark, as the same is described in a deed from the said James Clark by Simon Stevens, his attorney, to Robert Ross, deceased, the ancestor of Robert Ross, James R. Smith and Ann Smith, the infants aforesaid

in whom the title to the same is now vested: And whereas the parties have agreed to settle the said suit at law by mutual releases, the said Robert Ross in behalf of himself, and as guardian for the aforesaid infants, to release to the said Enos Parker, or to such person as he shall appoint, two hundred and fifty acres of land in the said tract, including the houses, out houses and improvements of the said Enos Parker and Enos Parker, junior; his son, to be laid out and surveyed in the most convenient form, before the said Enos Parker and his son Enos Parker, junior, releasing to the said Robert Ross, James R. Smith and Ann Smith, all their right and title to the remainder of the said tract: And whereas by the petition of the said Robert Ross, the legislature are requested to authorize the said Robert Ross, as guardian to the infants aforesaid, by law to release their right and title to the said two hundred and fifty acres: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the said Robert Ross, as guardian to the said James R. Smith and Ann Smith, to release all their right and title to two hundred and fifty acres of land in the aforesaid moiety of the patent granted by the said James Clark, by Simon Stevens his attorney, to Robert Ross, deceased, which said two hundred and fifty acres of land are to be surveyed and laid out so as to include the buildings and out houses and improvements of the said Enos Parker and Enos Parker, junior, upon the said Robert Ross receiving a release from the said Enos Parker and Enos Parker, junior, for the use of himself and the said infants, of all their right and title to the remainder of the said tract of one thousand and fifty acres,

II. *And be it further enacted,* That the release to be executed as aforesaid shall be firm and effectual against the said James R. Smith and Ann Smith, and extinguish their title to the aforesaid two hundred and fifty acres of land: *Provided,* That the release to be executed by the said guardian shall not conclude the rights of the said infants therein, unless the chancellor

of this state shall, after a hearing in the premises, on petition or otherwise, endorse on such release a certificate under his hand, purporting that the compromise authorized by this act, is in his opinion advantageous to the said infants.

CHAP. XIX.

An ACT to incorporate the Pottsdam and Hopkinton Turnpike Road Company.

Passed February 5, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Benjamin Raymond, Liberty Knowles, Perez Paulk, Phinehas Durfey, Henry M'Laughlin, Benjamin W. Hopkins, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the bridge over the river Rackett, in the village of Pottsdam, and from thence on the best and most direct route to intersect the St. Lawrence turnpike road, near the dwelling-house of Benjamin W. Hopkins, in the town of Hopkinton, and their successors, be and are hereby created a body corporate and politic by the name of "the president, directors and company of the Pottsdam and Hopkinton turnpike road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatever.

B. Ray,
mond and
others in-
corporat
ed.

Their style

Proviso.

Stock.

II. *And be it further enacted*, That the stock of said company hereby incorporated shall consist of five hun-

undred shares of thirty dollars each, and that Benjamin Raymond, Liberty Knowles, Perez Paulk, Phinehas Durfey, Henry M'Laughlin and Benjamin W. Hopkins be and they are hereby appointed commissioners to receive subscriptions for the said stock in the manner directed in and by the act entitled "An act relative to turnpike companies," passed the thirteenth day of March, eighteen hundred and seven.

III. *And be it further enacted,* That the said company hereby incorporated shall be entitled to ask and receive at the turnpike gate or gates to be erected on said road, for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same: for every cart or waggon drawn by one horse, mule or ox, six cents; for every cart or waggon drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, the further sum of three cents; for every stage-waggon, chariot, coach, coachee, phaeton, curricule, or other pleasure carriage drawn by two horses, twenty-five cents, and for every additional horse, six cents; for every chair, sulkey or chaise with one horse, twelve and an half cents, and in like proportion for every additional horse; for every horse rode, six cents; for every horse led or driven, four cents; for every sleigh or sled drawn by two horses, oxen or mules, six cents, and for every additional horse, ox or mule, three cents; for every sleigh or sled drawn by one horse, ox or mule, six cents; for every score of cattle, horses or mules, twenty cents; for every score of hogs or sheep, eight cents: *Provided,* That nothing in this act contained shall be construed to entitle the said corporation hereby created to demand or receive toll at any gate of or from any person passing to or from public worship, or a funeral, to or from a grist-mill for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person or persons who are entitled to vote, when going to or returning from any town-meeting or election for the purpose of giving a vote, or

Rates of
toll.

Proviso.

from any person going for a physician or midwife, or returning, or from a juror or witness going to or returning from court, having been legally summoned or subpoenaed, or from any troops in the service of this state, or of the United States, or from any person going to or returning from any training, where by the laws of this state they are required to attend: *And provided also*, That not more than one half of the above toll shall be demanded or received from any waggon or other carriage passing upon said road the tire or track of the wheel whereof is six inches wide, nor more than one fourth part of the above toll from those of nine inches wide; and that the president and directors shall cause to be affixed and kept up at or over each gate, in some conspicuous place where it may conveniently be read, a printed list of the rate of toll which may be lawfully demanded.

Further
proviso.

IV. *And be it further enacted*, That it shall and may be lawful for the company hereby incorporated to complete the turnpike road hereby authorized, according to the dimensions and in the manner prescribed for making and completing the St. Lawrence turnpike road, in and by an act entitled "An act to incorporate the St. Lawrence turnpike road company."

Dimensi-
ons of the
road.

V. *And be it further enacted*, That Benjamin Raymond, Perez Paulk and Benjamin W. Hopkins, or any two of them, be a committee to survey and lay out said road according to their best judgment and understanding, for the benefit of the public, without favor or partiality.

Commit-
tee to lay
it out.

VI. *And be it further enacted*, That the company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted.

Privileges
&c.

CHAP. XX.

An ACT to incorporate the Parishville Turnpike Road Company. Passed February 5, 1813.

D. Parish
and others
incorpor-
ated.

Their style

Proviso.

Stock.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That David Parish, Louis Hasbrouck, Nathan Ford, John Tibbetts, Junr. Benjamin Raymond, Daniel Hoard, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the court-house in Ogdensburgh, in the county of St. Lawrence, and from thence on the best and most practicable route to the bridge over the river Rackett, in the village of Pottsdam, and from thence to intersect the St. Lawrence turnpike near the mills in Parishville, on the most practicable route, and their successors be and they are hereby created a body corporate and politic, by the name of "the president, directors and and company of the Parishville turnpike road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors, shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatsoever.

II. *And be it further enacted*, That the stock of said company hereby incorporated shall consist of one thousand shares of fifty dollars each, and that Benjamin Raymond, David Parish, John Tibbetts, Junr. Louis Hasbrouck and Daniel Hoard be, and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and

by the act entitled, "An act relative to turnpike companies" passed March 13th, 1807.

III. *And be it further enacted*, That the said company, hereby incorporated, shall be entitled to ask and receive at each of the gates or turnpikes to be erected ^{Rates of toll.} on said road, for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same: for every cart or waggon drawn by one horse, mule or ox, six cents; for every cart or waggon drawn by two horses, mules or oxen, twelve and a half cents, and for every additional horse, mule or ox, the further sum of three cents; for every stage waggon, chariot, coach, coachee, phaeton, curricule or other pleasured carriage drawn by two horses, twenty-five cents, and for every additional horse, six cents; for every chair, sulkey or chaise with one horse, twelve and an half cents, and in like proportion for every additional horse; for every horse rode, six cents; for every horse led or driven, four cents; for every sleigh or sled drawn by two horses, oxen or mules, six cents, and for every additional horse, ox or mule, three cents; for every sleigh or sled drawn by one horse, ox or mule, six cents; for every score of cattle, horses or mules, twenty cents; for every score of hogs or sheep, eight cents; *Provid-*^{ed}, That nothing in this act contained shall be construed ^{Proviso.} to entitle the said corporation hereby created to demand or receive toll at any gate of or from any person passing to or from public worship or a funeral, to or from a grist-mill for the grinding of grain for his family's use, or to or from a black-smith's shop to which he usually resorts, or from any person residing within one mile of said gate, or from any person or persons who are entitled to vote when going to or returning from any town-meeting or election, for the purpose of giving a vote, or from any person going for a physician or midwife, or returning, or from a juror or witness going to or returning from court, having been legally summoned or subpoenaed, or from any troops in the service of this state or of the United States,

Further
proviso.

or from any person going to or returning from any training, where by the laws of this state they are required to attend: *And provided also*, That not more than one half of the above toll shall be demanded or received from any waggon or other carriage passing upon said road, the tire or track of the wheel whereof is six inches wide, nor more than one fourth part of the above toll from those of nine inches wide; and that the said president and directors shall cause to be affixed and kept up at or over each gate in some conspicuous place where it may be conveniently read, a printed list of the rates of toll which may be lawfully demanded.

Dimen-
sions of
the road.

IV. *And be it further enacted*, That it shall and may be lawful for the company hereby incorporated to complete the turnpike road hereby authorized, according to the dimensions and in the manner prescribed for making and completing the St. Lawrence turnpike road, in and by an act entitled "An act to incorporate the St. Lawrence turnpike road company."

Commit-
tee to lay
it out.

V. *And be it further enacted*, That Nathan Ford, John Tibbetts, Junr. and Benjamin Raymond, or any two of them, be a committee to survey and lay out said road according to their best judgment and understanding, for the benefit of the public, without favor or partiality.

Privileges
&c.

VI. *And be it further enacted*, That the said company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted.

CHAP. XXI.

An ACT for the relief of the President, Directors and Company of the Ulster and Delaware first branch Turnpike.

Passed February 5, 1813.

WHEREAS it has been represented to the legislature by the president, directors and company of the Ulster and Delaware first branch turnpike,

that the stockholders of the said company, by a misconstruction of their act of incorporation, and in pursuance of the act entitled "An act relative to turnpike companies," passed the thirteenth day of March, eighteen hundred and seven, did at their first election choose nine directors instead of five, as in and by their act of incorporation they were required to do; in consequence of which the public, as well as the said president, directors and company, have experienced great inconveniences and embarrassments: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the acts and proceedings of the said nine directors be and the same are hereby confirmed and declared to be valid to all intents and purposes as if five directors only had been chosen.

CHAP. XXII.

An ACT for the relief of the President, and Directors of the Hamilton and Skeneatelas Turnpike Company.

Passed February 5, 1813.

B*E it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the time mentioned in the act incorporating said company for the completion of the road, shall be and hereby is extended to the first day of December, one thousand eight hundred and seventeen; and that if said road is completed by the day last aforesaid, the said act of incorporation shall be and remain in full force, any thing therein contained to the contrary notwithstanding.

CHAP. XXIII.

An ACT authorizing the Trustees of the first Presbyterian Church in Jamaica, in Queens County, to dispose of the real estate therein mentioned.

Passed February 5, 1813.

W*HEREAS* the trustees of the first presbyterian church in Jamaica, in Queens county, have by their petition represented to the legislature, that they are possessed of a house and lot of land situate in the village of Jamaica, containing about sixteen acres, which has been occupied as a glebe for many

years, which they wish sold for the purpose of raising money to purchase another house and lot of land in the said village to be occupied as a glebe, and as a site to erect a new church: Therefore,

Be it enacted by the people of the state of New York, represented in Senate and Assembly, That the said trustees shall be and hereby are authorized to sell the said house and lot of land in the village of Jamaica, containing about sixteen acres, now occupied as a glebe, and to grant and convey the same in fee simple to the purchaser or purchasers thereof, and the proceeds thereof to apply to the payment of another house and lot of ground to be purchased for a glebe, and as a site for erecting a new church: Provided always, That previous to such sale the said trustees shall obtain a certificate from the attorney-general, or the district attorney of the state for the district in which such land be, that he has examined the title thereof, and that such sale may be made without violating the intentions of the grantor.

CHAP. XXIV.

An ACT for the appointment of a Treasurer.

Passed February 10, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Charles Z. Platt be and he is hereby appointed treasurer of this state, to continue in office until the twelfth day of February, which will be in the year one thousand eight hundred and fourteen.

CHAP. XXV.

An ACT to incorporate the President and Directors of the Otsego Card and Wire Factory.

Passed February 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That John Russell, Bille Williams, jun. Arnold Wilkinson, William Few, Perez Bradford, and such others as now are or may hereafter be associated with them for the purpose of erecting and perfecting the manufacture of iron and brass wire, and of cotton and wool cards, **I.**

J. Russell
and others
incorporated,

the county of Otsego, state of New-York, shall be and hereby are ordained, constituted and declared to be until the first day of April, which will be in the year of our Lord one thousand eight hundred and thirty-three, a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Otsego Card and Wire Factory," and by that name they, their successors and assigns, until that time, shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors, by the same name and style, shall in law be capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That the real estate so to be holden shall be such only as shall be requisite to promote and attain the objects of this incorporation, such as shall have been bona fide mortgaged to it by way of security for loans or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

II. *And be it further enacted*, That the capital stock of said corporation shall not exceed one hundred thousand dollars; and that a share in the said stock shall be one hundred dollars; and that subscriptions to the said capital stock be opened and kept open, under the direction of the president and directors of said corporation, until the number of shares subscribed shall amount to one thousand: *Provided*, That no part of the said capital stock shall be employed in banking operations.

III. *And be it further enacted*, That the stock, property, affairs and concerns of said corporation shall be managed and conducted by five directors, one of whom to be president, who shall hold their offices for one year from the first Tuesday in March in every year, which said directors shall be citizens of this state;

and the said five directors shall be elected on the first Tuesday of March in every year, at such time of the day and at such place within the county of Otsego, as a majority of the directors for the time being may appoint; and public notice shall be given by the said directors not less than ten days previous to the time of holding the said election; and the said election shall be made by such of the stockholders of the corporation as shall attend for that purpose in their proper persons or by proxy; and all elections shall be by ballot, each share of the stock having one vote, and the five persons having the greatest number of votes at an election shall be directors; and the said five directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any of the directors so to be elected shall at any time remove out of this state, the office of such director or directors shall be considered as vacant; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a major part of them, shall appoint; that the first directors shall be John Russell, William Tew, Arnold Wilkinson, Bille Williams, junior, and Perez Bradford, and shall hold their offices until the first Tuesday of March, one thousand eight hundred and fourteen.

First directors.

Corporation not to be dissolved if election is not held on the day appointed.

IV. *And be it further enacted,* That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day in the manner aforesaid, as shall be prescribed by the bye-laws and ordinances of the said corporation.

Directors may demand monies subscribed.

V. *And be it further enacted,* That it shall be lawful for the president and directors of said corporation to call and demand of the stockholders respectively,

all such sums of money as are by them subscribed, at such times and in such proportion as they shall deem fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said corporation, always however giving at least sixty days previous notice of such call and demand.

VI. *And be it further enacted*, That a majority of the directors for the time being shall form a board or quorum for transacting all the business of the said corporation, and shall have power to make and prescribe such bye-laws, rules and regulations, not repugnant to the constitution or laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the overseers, workmen and servants employed therein, the election of directors, and all such other matters as appertain to the concerns of the institution; and shall also have power to employ so many overseers, workmen and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet. May make
bye-laws,
&c.

VII. *And be it further enacted*; That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered on the book or books to be kept by the president and directors for that purpose. Transfers
how made

CHAP. XXVI.

An ACT to alter the time of holding Town-meetings in the town of Cincinnati, in the County of Cortland.

Passed February 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the town-meetings hereafter to be holden in the town of Cincinnati, shall be held on the first Tuesday of March annually; and that all such town officers whose duty it was to meet on the last Tuesday in March, shall meet on the last Tuesday in February to do and transact such business as to their respective offices may appertain.

CHAP. XXVII.

An ACT for the relief of the Bristol Glass, Cotton and Clay Company, in the County of Ulster, and for other purposes.

Passed February 12, 1813.

I. **BE** it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the stockholders of the said company to assemble and annually, from among themselves, to elect on the first Tuesday of May in every year, at such time of the day, and such place in the city of New-York as a majority of the directors for the time being shall direct, five persons, being stockholders of the said corporation, to manage and conduct the same for and in behalf of the said company, any thing contained in any former act to the contrary thereof notwithstanding: *Provided always*, That the notice to be given of such election, and the manner of conducting the same, shall in all things conform with the act hereby amended.

II. *And be it further enacted*, That the stockholders of the Eastern turnpike road company may hold an election for the choice of directors of the said company, on the second Tuesday of March next, having given one week's notice of the time and place of holding said election, in one of the newspapers printed in the city of Albany; and that the provision in the general turnpike law for cases where the election of any turnpike company may not have been held on the day provided by law for holding the same, to hold the same on any other day shall equally apply to the said Eastern turnpike company, any law to the contrary notwithstanding.

CHAP. XXVIII.

An ACT to authorize the Supervisors of the County of Schoharie to raise money by tax for the erection of a fire-proof Clerk's Office.

Passed February 12, 1813.

I. **BE** it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Schoharie, and they are hereby authorized and direct-

ed, at their annual meeting in October next, to cause a sum not exceeding six hundred dollars to be levied on the freeholders and inhabitants of the said county, together with the additional sum of five cents on each dollar for collecting the same, which sums shall be levied and collected in the same manner as the other contingent charges of the said county are raised, levied and collected, for the purpose of erecting a fire-proof building for the use of the clerk of the said county, and in which all the public records and papers belonging to the office of the clerk of said county shall be kept after the said building shall be completed.

II. *And be it further enacted*, That it shall be the duty of the said supervisors to purchase and procure a convenient lot for said building, adjoining the street near the court-house in said county of Schoharie, and to appoint a commissioner or commissioners to superintend the erection of the same, at such time and in such manner as they may direct, and of such materials as shall in their judgment be proof against fire.

CHAP. XXIX.

An ACT to amend the act, entitled "An act to incorporate the Albany Lancaster School Society."

Passed February 12, 1813.

WHEREAS the trustees of the Albany Lancaster school society have by their petition represented, that the object of their incorporation will be promoted by certain amendments to their charter, relative to the admission of members: in order therefore to remedy the inconveniencies experienced from the existing provision,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That any person who shall contribute to the benefit of the said society the sum of twenty-five dollars, shall thereupon be a member thereof, and shall be entitled, during the life of such contributor, to send one child to be educated gratuitously at any school under the care and direction of the said society, subject however to the bye-laws, rules and regulations of the corporation:

And further, that any person who shall contribute to the benefit of the said society any sum of money not less than five dollars, shall thereupon be a member thereof, and be entitled to the privileges granted to members by the act hereby amended; and none others but contributors to the said society as aforesaid shall be deemed members thereof.

II. *And be it further enacted*, That the sixth section of the act entitled "An act to incorporate the Albany Lancaster school society," be and the same is hereby repealed."

CHAP. XXX.

An ACT for dividing the town of Wayne, in the County of Steuben. Passed February 12, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Monday in March next, all that part of the town of Wayne south of township number five in the first range of towns, and south of the easterly half of township number five in the second range of towns, and also the gore of land lying on the east side of number four in the first range, and contained between the old and new pre-emption lines, and on the west bounds of the county of Tioga, is hereby erected into a separate town by the name of Jersey, and that the first town-meeting shall be held at the house of John N. Hight, inn-keeper in said town.

Town of
Jersey e-
rected.

II. *And be it further enacted*, That all the remaining part of the town of Wayne shall be and remain a separate town by the name of Wayne; and that the next town meeting shall be where their last annual town meeting was held.

III. *And be it further enacted*, That as soon as may be, after the first Tuesday in March next, the supervisors and overseers of the poor of the said towns of Wayne and Jersey, on notice being first given for that purpose by the supervisors thereof, shall meet together and divide the money and poor belonging to the town of Wayne previous to the division thereof,

Poor and
poor mo-
ney divid-
ed.

agreeable to the last tax list of said town; and that each of the said towns shall forever thereafter maintain its own poor.

CHAP. XXXI.

An ACT relative to the Albany Water Works.

Passed February 12, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That ^{Stock to consist of 1,600 shares.} the stock of the Albany water works shall consist of sixteen hundred shares of fifty dollars each; that each of the present shares be divided into two shares, on each one of which (after the payment of the money heretofore required to be paid on each share shall have been made) forty dollars shall be deemed to have been paid; that the present proprietors may within ten days after having been notified of the passing of this act by the trustees of the said Albany water works, become subscribers for any number of shares not exceeding the number of old shares they shall respectively hold after having been so divided, paying at the time of such subscription five dollars on each new share so subscribed; that the shares remaining unsubscribed for at the expiration of the said ten days shall be offered for subscription by the said trustees, under such regulations as they shall prescribe; that no money shall be required of the proprietors of the old shares until the proprietors of the new shares shall have been called upon to pay to the amount of forty dollars on each new share; after which all the proprietors shall be equally subject to requisitions to the amount of their shares; that all expences of repairing and supporting the present works be borne exclusively by the proprietors of the old shares, and all dividends be made to them exclusively until the water shall have been received for use into the reservoir of the said trustees through the permanent range of conduits intended to be constructed from the sources of the said water to the said reservoir, and let into the distributing conduits.

Former
privileges
continued.

II. *And be it further enacted*, That all and singular the rights, privileges, and immunities heretofore granted to the trustees and company of the Albany water works, shall be, and the same are hereby continued until the next annual election of the trustees of the same, and shall be, and the same are hereby confirmed, any non-user, mis-user or laches having heretofore occurred notwithstanding.

III. *And be it further enacted*, That if any annual election shall not in future be held on the day for that purpose appointed, the same may be held on any other day with like effect as if held on such day.

CHAP. XXXII.

An ACT to lay out and improve a road from Hadley Landing, to intersect the great road leading from Glen's Falls to the Schroon Lake.

Passed February 12, 1813.

Commis's
to lay out
the road.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Jeremy Rockwel, Duncan Cameron, and Berry Fenton, be, and they are hereby appointed commissioners, and they or any two of them, are hereby authorized and empowered to lay out a public road four rods wide, in as direct a route as the face of the country will admit, beginning at the center of the highway opposite the dwelling-house of Isaac Woodworth, at Hadley Landing, thence northerly on the west side of the Hudson river to the Sacondaga river, at or near its junction with the said Hudson river, thence across the Sacondaga river, thence northerly on the west side of the Hudson river so far as to pass the mouth of the Schroon river, thence across the Hudson river, thence to the great road leading from Glen's Falls to the Schroon Lake.

They shall
take an
oath.

II. *And be it further enacted*, That the commissioners aforesaid before they enter upon the duties of their office, shall respectively take and subscribe before some justice of the peace, an oath faithfully and impartially to execute the trust reposed in them in and by virtue of this act, and the said oaths shall by the

said commissioners respectively be filed in the office of the town clerk of the town of Hadley aforesaid.

III. *And be it further enacted*, That it shall be the duty of the said commissioners after having laid such road, to make or cause to be made an accurate survey bill of the same, and deliver the same to the clerks of the several towns through which the said road shall run, and it shall be the duty of the said clerks to record the same; and when so recorded, the said road shall be opened and kept in repair in the same manner as other public highways are kept in repair; and all damages which shall accrue in consequence of laying out such road, shall be assessed and paid in the same manner as is directed by the act entitled "An act to regulate highways," and the acts amending the same. Survey of the road to be filed.

IV. *And be it further enacted*, That the sum of five thousand dollars out of the first monies arising from quit rents due to the people of this state on lands in the towns of Hadley, Thurman and Johnsburch, be and the same is hereby appropriated for laying out of the said road and making the necessary bridges, to be expended under the direction of a superintendant to be appointed by the person administering the government of this state for that purpose; and the said superintendant, before he shall enter upon the duties of his office, shall enter into a bond in double the amount of the said sum, to the people of this state, with two sureties, to be approved of by two of the judges of the court of common pleas of the county of Saratoga, conditioned for the faithful expenditure of all the monies he shall receive under and in pursuance of this act, according to the true intent and meaning thereof, and also for accounting to the comptroller for the said expenditure within three years thereafter; and the said superintendant shall moreover, before he shall enter upon the duties of his office, take and subscribe an oath before some justice of the peace, faithfully to execute the trust reposed in him as superintendant appointed under this act, to the best of his knowledge and understanding, which said oath shall be filed in the office of the town clerk of the said town of Hadley. Appropriation for laying out the road.

V. And be it further enacted, That it shall be the duty of the treasurer to pay, on the warrant of the comptroller, to the said superintendant the said sum of money out of the said fund, to be by the said superintendant applied as soon as may be thereafter to the laying out of the said road, and the building of the necessary bridges thereon.

VI. And be it further enacted, That the said commissioners and the said superintendant shall each be entitled to receive for their services and expences whilst necessarily employed in their duties aforesaid, the sum of one dollar and fifty cents per day in addition to the wages and necessary expences of such persons as they shall necessarily employ in and about the business aforesaid, payable out of the said appropriation: *Provided nevertheless,* That the whole expence of laying out the said road, making the survey bill thereof and recording the same, shall not exceed the sum of fifty dollars; and that the remainder of the said appropriation shall be expended in constructing the bridges across the Sacandaga and the Hudsons rivers at such places as shall be appointed by the said commissioners.

CHAP. XXXIII.

An ACT for the relief of the Elders, Deacons, Trustees, and members of the Lutheran Congregation at Loonenburgh, in the village of Athens, and town of Catskill.

Passed February 12, 1813.

WHEREAS the elders, deacons, trustees, and members of the Lutheran congregation at Loonenburgh, now village of Athens, in the town of Catskill, have by their petition to the Legislature set forth, that they are desirous of applying so much of the rents, profits, and revenues, arising from their estate towards the support of the protestant episcopal clergyman at Athens aforesaid, as the trustees of the said Lutheran congregation may deem proper: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it

shall and may be lawful for the trustees of the Lutheran congregation in the village of Athens and town of Catskill to apply the whole or any part of the rents, profits and revenues of the real and personal estate of the said Lutheran congregation at Loonenburgh, now village of Athens, towards the support and for the use of the protestant episcopal clergyman in the said village of Athens and town of Catskill, for any term or time the said trustees, or a majority of them, may deem proper, any condition in the grant or grants of land to the said Lutheran congregation to the contrary in any wise notwithstanding.

CHAP. XXXIV.

An ACT for the relief of Samuel Godard and Daniel Hutchenson.

Passed February 12, 1813.

WHEREAS Samuel Godard and Daniel Hutchenson are owners or proprietors of the water privileges immediately above and below the bridge on the Seneca turnpike road, where the same crosses the nine mile creek in the town of Marcellus, and the lands adjacent thereto: And whereas the said proprietors are desirous of availing themselves of the full benefit of the said water privileges by erecting a dam and other works for the purpose of mills and other machinery within the limits of said turnpike road, or near the same, as shall be found most convenient. Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said Samuel Godard and Daniel Hutchenson, and their heirs and assigns, shall be and are hereby authorized to erect and maintain a dam, and such other hydraulic works as may be necessary for the use of mills and other machinery, within the limits of and contiguous to said road, at the place aforesaid: *Provided always,* That no such dam or other fixture shall be so erected without the consent of the president and directors of said turnpike corporation: *And provided further,* That no such mill or other fixture shall be so constructed or

placed as to obstruct the free and convenient passage of said road, or affect the right and privileges of any person or persons at or near said place.

CHAP. XXXV.

An ACT to authorize the Supervisors of the County of Steuben to raise money by tax for completing the fire-proof Clerk's Office. Passed February 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Steuben, at their annual meeting on the first Tuesday in October next, to levy and raise by tax on the freeholders and inhabitants of the said county, the sum of five hundred dollars, over and above the expences of collecting the same, which amount may be drawn from the treasury of said county upon the order of the commissioners appointed in a former act, passed the 20th day of March last, for erecting a fire-proof clerk's office; and the said commissioners shall account to the supervisors in the same manner as directed by the act for erecting the said building.

CHAP. XXXVI.

An ACT empowering the Board of Supervisors in the County of St. Lawrence to raise nine hundred dollars for the purpose therein mentioned.

Passed February 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the board of supervisors for the county of St. Lawrence be and they are hereby empowered, at any annual meeting, to raise the sum of nine hundred dollars by a tax on said county, in the same way and manner as the other taxes are levied and raised for defraying the contingent expences of said county, and that the same be paid into the treasury of said county, which money shall be drawn out and expended by order or under the direction of the board of supervisors, or such person or persons as they shall appoint, for the purpose of erecting a fire-proof building for an office for the clerk of said county, at such place as they shall think proper

in said county ; and when such building shall be completed to the acceptance of the judges of the court of common pleas of said county, or a majority of them, the records and papers belonging to the office of the clerk of said county shall thereafter be kept in said office, under the care and direction of the clerk of said county and his successors in office.

CHAP. XXXVII.

An ACT authorizing Phinehas Bennet to erect a Dam across the Susquehannah river, in the Town of Unadilla.
 Passed February 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Phinehas Bennet and his heirs to erect and maintain a rolling dam across the Susquehannah river, adjoining the farm of Reuben Bennet, in the town of Unadilla, in the county of Otsego, not exceeding thirty inches high from the bottom of the river in the most shallow part thereof, the lower side from the ridge not less than twelve feet wide ; and further, it shall be lawful for the said Phinehas Bennet, his heirs and assigns, from and after the fifteenth day of June in each year, to set a plank or board on his said dam not more than one foot wide, to save the water, if he shall think it necessary, which said plank or board may remain so set up until the first day of March next thereafter in each year, and no longer : *And provided nevertheless,* That no obstructions shall be made to the passage of boats, rafts or arks in common rafting freshet with the same facility as at present ; and should it be found expedient at any future time to improve the navigation of said river, the said Phinehas Bennet shall permit such improvement to be made by locks or otherwise : *And provided also,* That if the erection of said dam within the period hereby limited shall be found productive of inconveniencies, either to the public or persons living in the vicinity thereof, the authority hereby granted to the said Phinehas Bennet shall and may be revoked by the court of common pleas of the county wherein said dam is situate : *And provided al-*

so, That the said Phineas Bennet shall make and keep in repair a good and sufficient lock through his said dam across said river for boats to pass through the said lock, to be made at such time and in such manner as shall be ordered and directed by the court of common pleas of the county of Otsego, and permit boats to pass up and down said race through said lock free of costs, any law, usage or custom to the contrary notwithstanding: *Provided always*, That this act shall be and remain in force during the term of ten years, and no longer.

CHAP. XXXVIII.

An ACT to divide the Town of Thurman, in the County of Washington. Passed February 12, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Monday in April next, all that part of the town of Thurman, beginning on the east side of the Hudson river, at the north-west corner of the town of Luzerne, thence eastwardly along the north line of the town of Luzerne until it strikes the west line of the town of Caldwell, thence northwardly along the said line to the Schroon river, thence up the said river following the center thereof to the south line of the town of Chester, thence westwardly along the south line of the town of Chester until it strikes the north branch of the Hudson river, thence down the said river to the place of beginning, shall be and is hereby erected into a separate town by the name of Warrenburgh; and the first town meeting shall be held at the house of Melinda Warren, in said town; and all the remaining part of the town of Thurman shall be and remain a separate town by the name of Athol; and the first town meeting shall be held at the house of Stephen Griffin, in said town of Athol.

II. *And be it further enacted*, That as soon as may be after the first Tuesday in May next, the supervisors and overseers of the poor of the said towns of Warrenburgh and Athol, on notice being first given

by the said supervisors, shall meet together and divide the poor and money belonging to the town of Thurman previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall thereafter respectively maintain their own poor.

III. *And be it further enacted*, That the annual town meetings in each of the said towns of Warrenburgh and Athol shall be held on the first Tuesday in April in each and every year thereafter.

CHAP. XXXIX.

An ACT relative to the Albany and Delaware Turnpike.
Passed February 12, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the directors of the Albany and Delaware turnpike, instead of the toll gate nearest to the city of Albany which they are now authorized to erect by law, to erect an half toll gate on the bridge across the Norman's Kill on the said turnpike, or within one quarter of a mile south thereof; and that the distances mentioned in the acts relating to the said turnpike shall be computed from the said half toll gate westward.

II. *And be it further enacted*, That the time for finishing the said turnpike shall, as to the first eight miles thereof from the city, be prolonged for the period of seven years from the passing of this act.

CHAP. XL.

An ACT relative to the Flushing and Newtown Bridge and Road Company.

Passed February 17, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the proviso contained in the seventh section of the act, entitled "An act for building a bridge over Flushing creek, and constructing a road and establishing a turnpike between Flushing and Newtown, in the county of Queens," be and the same is hereby repealed.

CHAP. XLI.

An ACT to amend the act for incorporating the second Great Western Turnpike Road Company.

Passed February 17, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time for completing the second great western turnpike road be and the same is hereby extended until the thirty-first day of December, in the year one thousand eight hundred and fourteen; and that all the powers, rights and privileges heretofore granted to the president, directors and company of the second great western turnpike road be and the same are hereby confirmed.

II. *And be it further enacted*, That whenever the whole extent of the said turnpike road shall be completed, inspected and approved of, in the manner prescribed by law, it shall be lawful for the president and directors of the said company to erect one half toll gate thereon at such place as they shall deem proper, provided such gate shall not be placed within the distance of four miles westerly from the present westernmost gate erected on the said road.

CHAP. XLII.

An ACT concerning the Otsego Free Road.

Passed February 17, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Benjamin Gilbert, William Campbell and Samuel Griffin be and they are hereby appointed commissioners to examine and make such alterations in the road laid out pursuant to the act to which this is an amendment, in all such places in the town of Middlefield, as they or a majority of them shall judge to be for the public good, and their decision in the premises shall be final and conclusive.

II. *And be it further enacted*, That the residue of the act hereby amended shall in all respects apply to the commissioners hereby appointed, and to the road to be altered by them.

CHAP. XLIII.

An ACT for establishing and regulating a Ferry across Lake Champlain, in the Town of Champlain.

Passed February 25, 1813.

WHEREAS the legislature did by their act, passed the twenty-seventh day of February, in the year one thousand eight hundred and five, give to David Mayo certain privileges in keeping a ferry across Lake Champlain: And whereas it appears that the said David Mayo has conveyed all his right and title in and to said ferry, to Ezra Thurber: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for Ezra Thurber, of the town of Champlain, in the county of Clinton, his heirs and assigns, to set up, keep and maintain a ferry across Lake Champlain, from the landing of said Ezra Thurber, in the town of Champlain, to Windmill Point, in the state of Vermont, for and during the term of ten years, commencing on the first day of April next.

E. Thurber allowed to set up a ferry.

II. *And be it further enacted,* That the said Ezra Thurber, his heirs and assigns, shall erect, or cause to be erected, a convenient dock or landing place on such part of the land of said Ezra Thurber, as shall be most suitable for the purpose, and shall, during the time aforesaid, keep, support and maintain a good and sufficient ferry-boat capable of conveying four horses, and such other boats or skiffs as shall be necessary, and ready at all reasonable times and seasons, to transport across said lake persons, goods and chattels.

Landing place to be erected.

III. *And be it further enacted,* That the court of common pleas for the county of Clinton, in their next session after the first day of April next, and as often thereafter as they shall deem necessary, shall order, direct and determine the several rates of said ferry, and the hours in each day that the boats of said ferry shall be kept in readiness.

Ferriage how to be regulated.

IV. *And be it further enacted,* That if the said Ezra Thurber, his heirs or assigns, or any person employed by him or them, shall take, exact or receive any greater or higher rates of ferriage for transporting persons,

Penalty for charging more than law-rate.

goods or chattels, or other things whatsoever, than shall be by the court of common pleas aforesaid limited or established, the person so offending shall forfeit and pay for every such offence, the sum of twenty-five dollars, to be recovered in any court of this state having cognizance thereof, by any person who shall sue for the same.

Penalty
for setting
up a ferry
by others.

V. *And be it further enacted*, That if any person or persons, other than the said Ezra Thurber, his heirs or assigns, shall, after the first day of April next, transport any person or persons, goods or chattels, for hire or pay across the said lake, between the Point Au Fer and the line between this state and the province of Lower-Canada, such person or persons shall for every such offence forfeit and pay the sum of five dollars, to be recovered in any court within this state having cognizance thereof by any person who shall sue for the same: *Provided always*, That nothing herein before contained shall be so construed as to exclude any person or persons from the right of carrying and transporting themselves and their goods and chattels respectively, in their own boats, without paying any rate of ferriage between the limits aforesaid.

An additional
boat
to be kept
if necessary.

VI. *And be it further enacted*, That if at any time hereafter the said court of common pleas shall deem it necessary, the said Ezra Thurber, his heirs or assigns, shall keep at least one good and sufficient boat to pass from near the house of James Rouse, in the town of Champlain, to the town of Alburgh, in the state of Vermont, near the province line, under such regulations as the said court shall from time to time establish.

Penalty
for neglect
of duty.

VII. *And be it further enacted*, That if it shall appear upon sufficient evidence to the said court of common pleas for the county of Clinton, that the said Ezra Thurber, his heirs or assigns, shall wilfully neglect to comply with the true intent and meaning of this act in keeping the ferry aforesaid, it shall and may be lawful for the said court to adjudge that all the privileges granted to him under this act shall cease and be of no effect: *Provided nevertheless, and it is hereby declared and enacted*, That nothing in this act contain-

ed, shall be construed or deemed to impair or affect the rights of David Mayo or his assigns, granted or secured in and by the above mentioned act.

CHAP. XLIV.

An ACT to amend an act entitled "An act to incorporate the Union Cotton Manufactory.

Passed February 25, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the exercise of all the rights and privileges secured to the company by the act to which this is an amendment, in the town of Hartwick, be extended to and enjoyed by said company in the town of Otsego.

II. *And be it further enacted,* That the said company may at any time increase their capital stock to any amount they may deem necessary, not exceeding in the whole, five hundred thousand dollars.

CHAP. XLV.

An ACT further to amend the act entitled "An act for incorporating the Union Bridge Company.

Passed March 5, 1813.

WHEREAS the president and directors of the Union Bridge company, have by their petition represented, that the wood work of said bridge is so materially decayed as to require re-building for the safety and convenience of the public, and that they have no funds for that purpose, their whole capital stock having been expended in building said bridge; and it appearing that the profits of the stockholders arising from the toll collected at said bridge has not been a reasonable compensation for the money expended in erecting the same: Therefore, Preamble.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the present shares in the stock of the company shall be eighty dollars each, instead of fifty dollars; and that it shall and may be lawful for the said president and directors to call on and demand from the stockholders respectively the additional thirty dollars on each share, at such time, and in such proportions as they shall see Shares shall be \$80.

fit, under pain of forfeiture of their shares and all previous payments thereon to the said president, directors and company, they giving at least sixty days notice of every such requisition in one of the public newspapers printed in the county of Rensselaer.

Forfeited
shares to
be sold at
auction.

II. *And be it further enacted*, That in case any of the said shares shall be so forfeited the said president and directors shall sell the same at public vendue to the highest bidder, subject to the instalments that may thereafter be required thereon, they previously giving sixty days notice of the time and place of such sale in one of the newspapers printed in said county, and that after deducting from such sale the expences thereof and the amount of the call on the stock, the said president and directors shall pay over the balance to the person or persons who forfeited such share or shares.

Certain
tolls may
be taken.

III. *And be it further enacted*, that it shall be lawful for the said president and directors to demand and receive from persons passing the gate erected on said bridge the following toll in the cases hereafter mentioned, to wit: for every one horse cart, waggon, sleigh or sled, twelve and an half cents; every horse, jack or mule, five cents; every sheep or hog, one cent.

Parts of
former
acts re-
pealed.

IV. *And be it further enacted*, That the tenth section of the original act incorporating said company, and the proviso to the ninth section of the same act, also the third section and the proviso to the second section of the act amending the said act of incorporation, be, and the same are hereby repealed.

When the
bridge is
impassa-
ble, a ferry
shall be
kept.

V. *And be it further enacted*, That whenever the said bridge shall be impassable for travellers by reason of the company repairing the same or rebuilding an arch thereof, it shall be lawful for the said president and directors to establish a ferry across the river at or near said bridge, and make use of the necessary boats for that purpose, and demand and receive ferriage like in amount to the rates of toll for crossing said bridge: *Provided* the said ferry shall not be kept longer than one year, and not interfere with any privaterights.

VI. *And be it further enacted*, That it shall be the duty of the directors to keep a notice posted up or written in large characters on each end of the said bridge, in the most conspicuous part thereof, in the following words, to wit: "one dollar penalty for passing this bridge faster than on a walk by any person or persons riding or driving any horse or carriage."

Penalty for crossing by horses, &c. faster than on a walk.

VII. *And be it further enacted*, That the president and directors of the Union bridge company aforesaid, shall and may continue to exist and be a body politic or corporate until the income arising from the toll collected by said corporation shall have fully compensated the company for all monies they shall have expended in erecting, repairing, rebuilding and taking care of said bridge, together with an interest of fourteen per centum per annum, any thing in the said act of incorporation to the contrary notwithstanding.

Corporation to exist till compensated for all monies expended.

VIII. *And be it further enacted*, That the said president and directors shall, within sixty days after the passing of this act, lodge in the comptroller's office of this state an account of the expense of said bridge and of the toll collected at the same, and shall also thereafter annually exhibit to the comptroller a true account of the income arising from said toll, with the annual disbursements of the company.

Accounts of expenses, &c. to be rendered to the comptroller.

CHAP. XLVI.

An ACT relative to the President and Directors of the Greenfield Turnpike Company.

Passed March 15, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time for finishing the said turnpike road be prolonged for the period of two years from the passing of this act.

CHAP. XLVII.

An ACT concerning the Rensselaer Woollen and Cotton Manufacturing Company.

Passed March 5, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That at all future elections for directors of the Rensselaer woollen and cotton manufacturing company, each

Each share entitled to one vote.

share in the stock of the said company shall be entitled to one vote, any law to the contrary notwithstanding; and that whenever the directors shall judge it necessary and most for the interest of the said company, they are hereby authorized to increase the capital stock of said company to any number of shares not exceeding one thousand, at fifty dollars each, to be disposed of in such manner as the directors shall deem most proper.

Certain
articles to
be free
from sei-
zure.

II. *And be it further enacted*, That all articles of machinery, materials for manufacture or manufactured articles belonging to the said company, shall be free from seizure or distress for any debt or claim for rent or service, except such claim be against the said company in whose hands soever the same may be.

Regula-
tions may
be made to
prevent
fires.

III. *And be it further enacted*, That the directors of the Rensselaer woollen and cotton manufacturing company shall have power to make and prescribe such regulations as they may deem proper, within their own limits, for the better preservation of the property from fire, and shall have all the powers relating to fire-engines and firemen within the said limits which are given by the act, entitled "An act to amend an act entitled 'an act to vest certain powers in the freeholders and inhabitants of the village of Poughkeepsie,'" and that the firemen formed in a company or companies by them shall not exceed the number of twenty persons, who shall have the same privileges that are given by the act hereby amended; and that the certificate of the directors, or their authorized agent, under the seal of the said company, shall be evidence of the appointment of firemen in all cases.

CHAP. XLVIII.

An ACT for the relief of James Furman.

Passed March 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land-office are hereby authorized and directed to cause to be granted and issued letters patent to James Furman, conveying and granting to

him, in fee, such lot or lots of the land purchased by the people of this state from the Christian party of the Oneida Indians, as the commissioners of the land-office may deem proper, not exceeding in the whole two hundred acres, he the said James Furman paying therefor at and after the rate at which the said lot or lots have been or shall be appraised by the surveyor-general of this state, one eighth part of the said consideration money to the treasurer of this state before granting the said letters patent, and within six months after the passing of this act, and executing his bond and mortgage on the said lands to the comptroller of this state or to the people thereof, for the residue of the said consideration money, payable in eight equal annual installments, with interest at the rate of six per centum annually: *Provided always*, That no part of the tract of about four hundred acres of the last purchase of the Christian party of the Oneida Indians and adjoining the lands belonging to the Pagan party, shall be granted as aforesaid.

CHAP. XLIX.

An ACT extending to Samuel Sidney Breese the privilege of erecting a Dam across the Skenando Creek, in Oneida County. Passed March 12, 1813.

WHEREAS Samuel Sidney Breese owns a lot of land on the Skenando creek, in the county of Oneida; and whereas the christian part of the Oneida Indians own and are in possession of the land on the opposite bank, and he the said Samuel Sidney Breese being desirous of erecting factories on his said lands: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the said Samuel Sidney Breese, his heirs or assigns, shall and may have the privilege of erecting a dam across said creek at such place as he may see proper, by and with the approbation of a majority of the Christian part of the Oneida Indians, but not otherwise.

II. *And be it further enacted*, That when the state shall purchase said land of the said Indians, the said

Samuel Sidney Breese, his heirs or assigns, shall and may have the right of purchasing the land necessary for the purposes aforesaid, not exceeding ten acres, he paying therefor such price as the surveyor-general may require of him when he sells other land in the same neighbourhood, considering the land so used for the purposes aforesaid as in an unimproved state.

CHAP. L.

An ACT to divide the County of Washington, and for other purposes. Passed March 12, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That all that part of the county of Washington lying west of a line beginning at the south-east corner of the town of Queensbury, in said county; thence north along the said east line of Queensbury to the waters of Lake George, thence northerly along the west line of the towns of Fort Ann and Putnam to the south line of the county of Essex, shall be and is hereby erected into a separate county by the name of Warren.

County of
Warren
erected.

II. *And be it further enacted,* That there shall be holden in and for the said county of Warren a court of common pleas and general sessions of the peace, and that there shall be three terms of the said courts in the said county in every year, to commence as follows: the first term of the said court of common pleas and general sessions of the peace shall be holden on the second Tuesday of September next, and may continue until the Saturday following inclusive; and the second term of the said court shall commence on the third Tuesday of January next, and may continue to be holden until the Saturday following inclusive; and the third term of the said courts shall commence on the second Tuesday of May thereafter, and may continue to be holden until the Saturday following inclusive; and the said courts of common pleas and general sessions of the peace shall have the like jurisdiction, power and authority in the said county of Warren as the courts of common pleas and general sessions of the peace, in the other counties of this state have in

Courts,
when to be
held.

their respective counties: *Provided*, That all suits now pending in the court of common pleas and general sessions of the peace in the county of Washington, may be prosecuted to trial, judgment and execution as if this act had not passed.

III. *And be it further enacted*, That the said courts of common pleas and general sessions of the peace shall be holden in and for the said county of Warren, at the Lake George coffee-house, in the town of Caldwell, until further provision shall be made by law. Courts where to be held.

IV. *And be it further enacted*, That it shall and may be lawful for all courts and officers of the said county of Warren, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Washington until such time as they may have a gaol built and finished fit to receive such prisoners and criminals in the said county of Warren. Prisoners where to be confined.

V. *And be it further enacted*, That it shall not be the duty of the justices of the supreme court to hold a circuit once in every year in the said county of Warren, unless in their judgment they shall deem it necessary, any thing in the act entitled "An act for regulating trials of issues and returning able and sufficient jurors," to the contrary notwithstanding. Circuits how to be regulated.

VI. *And be it further enacted*, That the said counties of Washington and Warren shall continue to elect five members of Assembly until the Legislature shall otherwise direct; and the inspectors of elections in the several towns in the county of Warren shall return the votes taken at any election for governor, senators and members of assembly, and representatives in congress, to the clerk of the county of Washington, to be by him estimated and returned as if this act had not been passed. Members of Assembly how to be chosen.

VII. *And be it further enacted*, That the said county of Warren shall be considered as part of the eastern district of this state, and also a part of the twelfth congressional district.

CHAP. LI.

An ACT to incorporate the Lake Champlain Steam-Boat Company.

Passed March 12, 1813.

Preamble.

WHEREAS Abraham G. Lansing, Jellis Winne, junior, Isaiah Townsend and Gerrit Y. Lansing, in behalf of themselves and their associates, members of the late Albany steam-boat company, have, by their petition, represented to the legislature that they have become entitled by assignment from Robert R. Livingston and Robert Fulton, to the exclusive right of navigating steam-boats on the waters of Lake Champlain, for all the terms granted to them by several acts of the legislature of this state, and the several patents issued under the laws of the United States to the said Robert R. Livingston and Robert Fulton and John Stevens, as by the said assignment duly recorded in the office of the secretary of this state, doth fully appear, and have signified their intention of building one or more steam-boats, to be navigated on said lake as soon as the situation of public affairs will admit thereof, and have prayed to be incorporated, to enable them more effectually and with greater facility to manage and conduct the affairs and concerns of said company; and it appearing reasonable that the prayer of said petition should be granted: Therefore,

A.G. Lansing and others incorporated.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the said Abraham G. Lansing, Jellis Winnie, junior, Isaiah Townsend and Gerrit Y. Lansing, and such persons as have or shall be associated with them for the purpose of navigating steam-boats on the waters of Lake Champlain, and their successors and assigns, until the eleventh day of April, which will be in the year of our Lord one thousand eight hundred and thirty-eight, be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "the Lake Champlain steam-boat company;" and by that name they and their successors, until the said eleventh day of April, one thousand eight hundred and thirty-eight,

shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the name of "the Lake Champlain steam-boat company," shall in law be capable of purchasing and holding any lands, tenements, hereditaments, or real or personal estate whatsoever, necessary for the objects of this incorporation.

II. *And be it further enacted*, That the capital stock of the said company shall not exceed one hundred thousand dollars, to be divided into five hundred and forty equal shares; that the persons now holding shares in the said company shall be entitled to subscribe at and after the rate of eighteen shares of the stock created under this act, for one share (or as near as may be in the same proportion for any part of a share) which he or they may hold at the time of passing this act, on each of which said new shares there shall be deemed to have been paid the sum of one hundred dollars, and each such new share shall be subject to the further call of eighty-five dollars, eighteen and a half cents; that the stock of the said company shall be deemed personal estate, and that nothing herein contained shall authorize or empower the said company to carry on banking business, or to use or employ their funds or any part thereof, or to permit the same to be used or employed in the purchase of stock of any bank in the United States, or any other public stock, for any purpose or in any manner whatsoever, not herein expressly authorized.

III. *And be it further enacted*, That for the better carrying into execution the objects of the said company, there shall be five directors, who shall hold their office for one year from the passing of this act, or, until others shall be elected in their stead; that the first directors shall be Abraham G. Lansing, Jellis

Elections
how con-
ducted.

Winnie, junior, Isaiah Townsend, Gerrit Y. Lansing and Joseph Alexander, out of which number the said directors at their first meeting shall appoint their president; that the elections for directors be held at the city of Albany, at such times and in such manner as shall be designated by the bye-laws of the said company, and that public notice of the time and place of holding said election be given in one of the public papers printed in the said city, at least ten days previous thereto, at which election each stockholder shall be entitled to one vote for every share he may hold in the stock of the said company; and it shall be lawful for the directors of the said company to call and demand of the stockholders respectively, all such sums of money on the shares which they may respectively hold, to the amount of eighty-five dollars, eighteen and a half cents on each share, at such times and in such proportions as the said directors shall deem proper, under pain of forfeiture of their shares and of all the previous payments thereon to the said company, always however giving at least thirty days previous notice of such call and demand in one of the public newspapers printed in the city of Albany.

Majority
of direc-
tors to
make bye-
laws.

IV. *And be it further enacted,* That a majority of the directors for the time being shall form a board or quorum for transacting all the affairs and business of the said company, and shall have power to make and prescribe such bye-laws and regulations, (not repugnant to the constitution or laws of the United States or of this state) as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said company, the duties, conduct and compensation of the masters, commanders, engineers, mariners, servants, and workmen employed by the said company, and all such other matters as shall appertain to the concerns of the said company.

Transfers
how made

V. *And be it further enacted,* That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the directors for that purpose.

VI. *And be it further enacted*, That this act shall be to all intents and purposes considered as a public act, and be construed and considered in all courts and places, benignly and favorably, for every beneficial purpose therein mentioned and contained.

This is a public act.

CHAP. LII.

An ACT supplementary to the act, entitled "An act for the establishment of Common Schools."

Passed March 12, 1813.

WHEREAS the provisions contained in the act for the establishment of common schools do not extend to the city and county of New-York: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That of the school money which shall from time to time be distributed amongst the several counties of this state, the city and county of New-York shall be entitled to its proportion according to the population thereof, as the same shall from time to time be ascertained by the latest census of the United States, and which said proportion shall be paid to the chamberlain of the said city of New-York in the same manner and at the same times as the proportions of the several other counties are directed to be paid in and by the act for the establishment of common schools; and it shall be the duty of the said chamberlain to receive and hold the same, subject to the orders of the commissioners of the school money herein after mentioned.

City of N. York entitled to a proportion of the school fund.

II. *And be it further enacted*, That whenever the clerk of the city and county of New-York shall receive the notice which the superintendant of common schools is by the fifth section of the said act required to give to the several county clerks, he shall lay the same before the mayor, recorder and aldermen of the said city at their next meeting thereafter; and the said mayor, recorder and aldermen are hereby authorized, empowered and required to raise and collect by tax on the inhabitants of the said city, a sum equal to the amount which shall be apportioned to said city and county, in the same

An additional sum to be raised by tax.

manner as in and by the fifth section of the said act the board of supervisors within the several counties of this state is directed and empowered to do; and the collector or collectors, in his or their respective warrants, shall be directed to pay the same, when collected, to the chamberlain, reserving his or their fees, and take a receipt therefor, which receipt shall be a sufficient voucher of having paid the same as aforesaid.

Common
council to
appoint
school
commis'srs

III. *And be it further enacted*, That the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall appoint five of the inhabitants of the said city commissioners of school money, who, before they enter upon the duties of their office, shall respectively take an oath or affirmation, diligently and faithfully to execute their trust, which said commissioners shall hold their office for the term of one year, unless sooner vacated by death or removal out of the said city, and shall be liable to the penalties mentioned in the tenth section of the said act, for refusal or neglect of duty.

Their du-
ty in dis-
tributing
the money

IV. *And be it further enacted*, That the commissioners aforesaid shall receive from the chamberlain of the said city of New-York, the money which shall from time to time be apportioned and paid to the city and county, together with such monies as shall be raised by the mayor, recorder and aldermen as herein before directed, and which the said chamberlain is hereby authorized and required to pay to the said commissioners; and the said commissioners shall, on or before the first day of May in each year, distribute and pay the said monies so received from the said chamberlain, to the trustees of the free school society in the said city of New-York, and the trustees or treasurers of the Orphan's Assylum society, the society of the Economical school in the city of New-York, the African free school, and of such incorporated religious societies in said city as now support or hereafter shall establish charity schools within the said city, who may apply for the same; and such distribution shall be made to each school in proportion to the average number of children between the ages of four and fifteen years, taught there-

in the year preceding such distribution, free of expense: *Provided*, That no money shall be distributed by the commissioners aforesaid to the trustees of such free school, or of such charity schools, as shall not have been kept for the term of at least nine months during the year preceding such distribution as aforesaid.

V. *And be it further enacted*, That the trustees or treasurers of the aforesaid societies in the said city as support charity schools therein, shall respectively, ^{Proviso.} or before the first day of May in each year, certify under their respective corporate seals, to the commissioners aforesaid, the whole number of children between the ages of four and fifteen years who shall have been taught in their respective schools, free of expense, during the preceding year, specifying the number of regular scholars therein at the end of each quarter in such year, and the time during which their respective schools shall have been regularly kept for such preceding year; and after the first distribution of school money shall have been made, the trustees or treasurers aforesaid shall respectively certify in manner aforesaid the amount of money which they shall have received from the said commissioners during the preceding year, and the manner in which the same shall have been expended, whereupon the commissioners aforesaid shall make report to the clerk of the city and county of New-York, who shall transmit the same to the superintendant of common schools in the manner directed by the seventeenth section of the act for the establishment of common schools. ^{Returns to be made to the commiss'rs of the no. of children from 4 to 15 years.}

VI. *And be it further enacted*, That the sums of money which the respective trustees or treasurers aforesaid shall from time to time receive from the commissioners aforesaid, shall be applied by them to the payment of the wages of the teachers to be employed by them respectively and to no other purposes whatever. ^{Monies how to be applied.}

VII. *And be it further enacted*, That the trustees or treasurers of the aforesaid societies in the said city as now or hereafter may support charity schools therein as aforesaid, shall be inspectors of the schools in their respective societies, and shall possess the like powers ^{School inspectors.}

and perform the like duties relating to their respective schools as the inspectors of schools are authorized and empowered to do in and by the sixth section of the act for the establishment of common schools.

CHAP. LIII.

An ACT authorizing the Treasurer of the County of Tioga to pay certain monies therein mentioned, and for other purposes. Passed March 12, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the treasurer of the county of Tioga, and he is hereby directed to pay to Andrew Purdy, or his legal representatives, the lawful interest on the sum due him for building the court-house and gaol in said county, from the first day of May last until the same shall be paid; the amount of which shall be levied, collected and paid in the same manner as other contingent charges of said county.

II. *And be it further enacted,* That the eighth and ninth sections of the act entitled "An act to divide the county of Tioga into jury districts, and for other purposes," passed the eighth day of June, in the year one thousand eight hundred and twelve, be and the same is hereby repealed; and that the fifth, sixth and last sections of an act entitled, "An act to appoint commissioners to fix the site for the court-house and gaol in the county of Tioga, and for other purposes," passed the seventeenth day of February, in the year one thousand eight hundred and ten, be and the same are hereby revived: *Provided,* That the clerk's office of the said county shall be removed and kept within two miles of the new court-house, in the town of Spencer, at some convenient place, from and after the first day of May next.

CHAP. LIV.

An ACT amending the act relative to District-Attornies, passed April 4th, 1801. Passed March 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the counties of Seneca, Ontario, Genesee, Niagara and

Chatauque, be and hereby are erected into a separate district ; and the counties of Westchester, Rockland, and Putnam, be and hereby are erected into a separate district, as to all proceedings under the act entitled " An act relative to district attornies, passed April 4th, 1801, and the acts amending the same and relating thereto ; and it shall be the duty of the person administering the government of this state, by and with the advice of the council of appointment, to appoint and commission some proper persons qualified according to the said recited acts, to the office of district attorney in each of the said districts, who shall be subject to the same duties and have the like powers, and be entitled to the like compensation as is provided by law for the district attornies of the other districts respectively : *Provided*, That nothing in this act contained shall be deemed to alter any of the districts heretofore established by law, other than as respects the counties by this act provided for.

CHAP. LV.

An ACT to amend an act entitled " An act to incorporate the Fort-Miller Bridge Company."

Passed March 12, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the Fort Miller bridge company to build a new bridge over the Hudson river, at any place within forty rods of the site of the present bridge, which said bridge shall be at least twenty feet wide, and be well covered with plank not less than three inches thick, the sides of said bridge to be secured with good substantial railing, and so constructed that at least one opening under said bridge of not less than sixty feet between the piers, shall be left for the passage of rafts.

II. *And be it further enacted*, That as soon as the said bridge shall be completed, and the judges of the courts of common pleas for the counties of Saratoga and Washington, not interested therein, or any two of them, shall upon inspection certify under their hands,

that the said bridge is well and sufficiently completed and will admit the passage of teams with loaded carriages, it shall and may be lawful for the said president and directors to erect a gate at the end of the said bridge, and demand and take for the use of the said corporation from every person who shall pass the said bridge, a toll not exceeding the following rates, to wit: for every four wheel pleasure carriage drawn by four horses, forty cents, if drawn by two horses, thirty cents; every curricie, chaise, chair or sulkey drawn by one horse, eighteen cents, if drawn by two horses, twenty-five cents, every additional horse, six cents; every waggon and two horses, twenty-five cents, and six cents for every additional horse; every sled or sleigh drawn by two horses, twelve and an half cents and six cents for every additional horse; every ox waggon or cart drawn by two oxen, twenty-five cents, and each additional yoke of oxen, twelve and an half cents; every one horse cart, waggon, sleigh or sled, twelve and an half cents; every man and horse, nine cents; every foot passenger, two cents; every horse, jack or mule, four cents; every cow or other neat cattle, three cents; every sheep or hog, one cent.

Rates of
toll.

Lands on
each side
of the ri-
ver may be
entered
upon.

III. *And be it further enacted*, That the said president and directors, their agents, artists, or other persons employed by them, may enter on and take possession of the lands on each side of the said river where the said president and directors shall determine to build said bridge; and in case such lands shall not be part of a public highway, the said corporation shall pay the owners thereof, on receiving a conveyance of the said land, the value of so much of the same, as may be necessary for making the said bridge, and erecting and establishing the gate, toll-house, and all other works to the said bridge belonging; and in case of disagreement between the parties as to the value of the lands, the same shall and may be ascertained and determined in the manner directed by the fifth section of the act hereby amended.

Penalty for
crossing
the bridge
faster than
walk.

IV. *And be it further enacted*, That if any person shall pass the said bridge so to be erected, or the

bridge now built, with a horse, or with a horse or horses and carriage, faster than on a walk, the person or persons offending shall forfeit and pay to the treasurer of the said corporation, for the time being, for the use of the said company, the sum of one dollar, to be recovered in an action of trespass, in any court having cognizance thereof, which action shall in every instance be considered as transitory in its nature.

V. *And be it further enacted*, That it shall be the duty of the directors to keep a notice posted up or written in large characters on each end of the said bridge, in the most conspicuous part thereof, in the following words, to wit: one dollar penalty for passing this bridge faster than on a walk by any person or persons riding or driving any horse or carriage.

Notice thereof to be put up.

VI. *And be it further enacted*, That it shall and may be lawful for the said president and directors to demand and take, for the use of the said corporation for passing the bridge now erected and until a new bridge shall be completed as aforesaid, the same rates of toll which by this act are allowed to be demanded and taken for passing the said new bridge.

Toll to be taken till the new bridge is erected.

VII. *And be it further enacted*, That whenever the said bridge shall be impassable for travellers, by reason of the company repairing the same, or rebuilding an arch thereof, it shall be lawful for the said president and directors to establish a ferry across the river, at or near said bridge, and make use of the necessary boats for that purpose, and demand and receive ferriage like in amount to the rates of toll for crossing said bridge: *Provided* the said ferry shall not be kept longer than one year, and not interfere with any private rights.

When the bridge is impassable, a ferry may be kept.

VIII. *And be it further enacted*, That so much of the said act hereby amended as relates to the rates of toll to be received by the said president and directors, and the proviso contained in the eighth section of said act, be and the same are hereby repealed.

Part of former act repealed.

CHAP. LVI.

*An ACT to repeal the Sixth Section of the act entitled
 "An act to incorporate the American Insurance
 Company of New-York."*

Passed March 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the sixth section of the act entitled "An act to incorporate the American insurance company of New-York," be and the same is hereby repealed.

CHAP. LVII.

*An ACT to vest certain powers and privileges in the
 freeholders and inhabitants of the Village of Man-
 lius.*

Passed March 12, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That all that part of the town of Manlius, in the county of Onondaga, contained in the following bounds, to wit: beginning in the Seneca turnpike road, half a mile easterly of the south-west corner of lot number eighty-seven in said town, thence running south half a mile, thence westerly, running parallel with the said Seneca turnpike one mile, thence north one mile, thence easterly running parallel with said turnpike one mile, thence south to the place of beginning, shall be known and distinguished by the name of the village of Manlius; and the freeholders and inhabitants residing within the same, qualified to vote at town meetings, may, on the first Tuesday in May, meet at some proper place within the said village, to be appointed by any justice or justices of the peace residing within the said town of Manlius, a notice whereof shall be put up in at least three public places within said village ten days previous to said first Tuesday of May next, and then and there proceed to elect five discreet freeholders, resident within the said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights hereinafter specified; and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest num-

Bounds of
the village

Five trus-
tees to be
elected.

ber of votes duly elected trustees; and on every first Tuesday of May after the election of trustees, there shall in like manner be a new election of trustees for said village, and the trustees for the time shall perform the duties required from the said justice or justices in respect to notifying the meeting of the freeholders and inhabitants of said village and presiding at such election.

II. *And be it further enacted*, That all the freeholders and inhabitants residing within the said limits, be, and they are hereby ordained, constituted and declared to be, from time to time and forever hereafter, a ^{Their style and powers.} body politic and corporate, in name and in fact, by the name and style of "The trustees of the village of Manlius," and by that name they and their successors forever shall and may have perpetual succession, and be persons in law capable of suing and being sued, and defending and being defended in all courts and places whatsoever and in all manner of actions, causes and complaints whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate real or personal, for the public use of said village, and of erecting any buildings, aqueducts and digging any reservoirs for water for the use of said village, and keeping in repair such buildings, aqueducts and reservoirs, of purchasing and keeping in repair fire engines, ladders, buckets and other instruments for extinguishing fire, improving the streets, erecting hay scales, and of making any other regulations for preventing and extinguishing fires, preventing and removing nuisances, and relating to the price of bread in said village, that the said trustees may from time to time deem necessary; and of raising a sum by tax, not exceeding three hundred dollars in any one year, for the purposes aforesaid: *Provided*, That no tax shall be levied, or money raised, assessed or collected for the purposes aforesaid, and no purchase or sale of any real estate be made, and no building or reservoir be made or disposed of without the consent of the freeholders of

said village, or the major part of them, at the annual meeting for the election of trustees first obtained.

They may
make bye-
laws.

III. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a major part of them and their successors, to make, ordain, constitute and publish such prudential bye-laws, rules and regulations, as they from time to time shall deem meet and proper, and for the benefit of said village, relating to the objects mentioned in the foregoing section, and not inconsistent with the laws of this state, or the United States; and it shall further be lawful for the said trustees to ordain, constitute and publish such fines and forfeitures for the breaking of any such bye-laws, rules and regulations as they may think expedient: *Provided nevertheless*, That no forfeiture or fine shall be inflicted over and above the sum of ten dollars for any one offence against such bye-laws.

Elect a
treasurer
and col-
lector.

IV. *And be it further enacted*, That the freeholders and inhabitants of said village qualified to vote for the trustees as aforesaid, at their annual meeting, shall, and they are hereby authorized and empowered to choose one treasurer and one collector, being freeholders of said village, and the person having the greatest number of votes for each office respectively, shall be deemed duly chosen; and in case a vacancy shall happen in either of the above offices by death, removal from said village or refusal to serve, the trustees shall have the power of appointing some other freeholder of said village to supply said vacancy until the next annual meeting, and the person so appointed shall be liable to the same penalties and restrictions as if duly elected at the annual meeting.

Officers
shall take
an oath.

V. *And be it further enacted*, That the trustees, treasurer and collector shall, before they proceed to execute their respective offices, and within ten days after their election respectively, take and subscribe an oath or affirmation before any justice of the peace of the county of Onondaga, for the faithful execution of the office or trust to which they may be severally elected:

Provido. Provided nevertheless, That the said treasurer and collector, before they take the oath or affirmation afore-

said, shall respectively give security to the trustees of said village for the faithful discharge of their respective offices, in such sum as a majority of them shall deem sufficient.

VI. *And be it further enacted,* That it shall be lawful for the trustees of said village, or a majority of them, to appoint not exceeding twenty-five firemen out of the inhabitants of said village, and the same or any one of them, to remove at their pleasure and to appoint others in their stead, to regulate the times of meeting and exercises of said company of firemen, to appoint their captain and other officers, and to make such bye-laws, rules and regulations for the government of such company, and inflict, ordain and establish such penalties for the breaking or disobeying of such bye-laws, rules and regulations as they may deem expedient: *Provided,* That no fine or penalty shall be inflicted on any fireman exceeding two dollars for any one offence, and that the trustees shall have the power of remitting such fine or penalty whenever a majority of them shall deem it proper, Firemen may be appointed.

VII. *And be it further enacted,* That it shall be the duty of the said trustees and their successors, annually to assess on the several inhabitants and freeholders living in said village, the amount of the taxes which the freeholders and inhabitants of said village shall, at their annual meeting determine to be raised, levied or collected, in proportion to the property and situation of the inhabitants so to be assessed, and the advantages they shall respectively derive from said tax; and they shall likewise execute the office of fire-wardens of said village in cases of fire: *Provided,* That if any person shall deem him or herself aggrieved by any such assessment as aforesaid, it shall be lawful for any such person to appeal from the determination of the trustees to any three justices of the peace in the county of Onondaga, giving notice to the said trustees of such appeal and of the time and place for determining thereof by such justices, who shall hear the same, and do therein what to justice shall appertain. Assessments may be made.

Proviso.

President
and clerk
to be cho-
sen.

Duty of
the presi-
dent.

Duty of
the clerk.

VIII. *And be it further enacted,* That the trustees within twenty days after their election, or a major part of them, shall and it is hereby made their duty to assemble at some convenient place in said village, and there to choose and appoint some one suitable person of their body, to be president of the said board of trustees, and some other suitable person to be clerk to said board of trustees; and it shall be the duty of the president when present to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he may conceive it for the interest of said village, to hear and receive complaints of the breach of any of the laws of said corporation, to see that all the bye-laws, rules and regulations of said village are enforced and faithfully executed, to prosecute in the name of the trustees all offenders against or violators of the bye-laws ordained and published as aforesaid, to keep the seal of the said village, and to affix it, together with his signature, to all such rules and regulations as a majority of the trustees shall deem proper, and in case of the death, removal, or inability of the president to discharge the duties of the office, it shall be the duty of the secretary to notify the other trustees of such death, removal or inability, who shall within ten days thereafter, meet and elect another president out of their body, to hold the office until the next annual meeting; and it shall further be the duty of the president to take care of, protect and preserve all property belonging to said village as a corporation, to preside over all public meetings of the villagers for the above purposes, and to do all such other acts and things as may be proper for the president of the trustees to do; and it shall be the duty of the clerk to keep the minutes of all such votes, orders, rules and regulations as are made by the freeholders and inhabitants of said village at their public meetings, and also to attend the meetings of the trustees and record all the bye-laws, rules and regulations passed by them; and the trustees shall have the power to remove such clerk and appoint another, and to appoint one pro-tempore in case of the absence of the clerk, as a majority of

them shall agree; and the clerk shall receive such compensation for his services as a majority of the trustees shall deem sufficient, to be paid out of the funds of said village.

IX. *And be it further enacted,* That the collector shall, within such time as shall be hereafter limited by the bye-laws of said corporation, after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer; and that such collector shall have and exercise the same power in the collecting of said taxes, by distress and sale, as the several collectors of towns have in the levying and collecting of taxes; and that all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or a majority of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village, or agreeably to the provisions of this act.

Collector's duty.

X. *And be it further enacted,* That the said trustees shall keep an account of their necessary disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury; and the treasurer and collector shall be entitled to receive for their several services such suitable compensation as the legal voters of said corporation, or a majority of them, at their annual meeting shall deem proper.

Accounts how to be rendered.

XI. *And be it further enacted,* That if any one of the inhabitants of said village qualified as aforesaid, shall hereafter be elected or chosen a trustee and shall refuse or neglect to serve as such, it shall and may be lawful for the trustees duly qualified, or the major part of them, to impose and inflict upon such persons so neglecting or refusing such reasonable fine or fines as they may think proper: *Provided,* That such fine for any one offence shall not exceed the sum of ten dollars, to be recovered in the same manner that other fines and penalties are recoverable by this act; and that in all cases where the trustees of the village of Manlius shall sue or prosecute by virtue of this act, it shall be sufficient

Penalty for refusing to serve when elected.

Proviso.

for the said trustees to declare generally, that the defendant is indebted to them by virtue of this act, to the amount of twenty-five dollars or under, and give any special matter in evidence under such declaration.

XII. *And be it further enacted,* That it shall be the duty of the president of the board of trustees, to give notice to the inhabitants of said village of all public meetings at least one week previous thereto, in such manner as a majority of the trustees may deem proper ; and that it shall be lawful for the trustees, or a majority of them, to call a public meeting of the inhabitants of said village whenever they may think it expedient.

Notice of
meetings
to be given

XIII. *And be it further enacted,* That all fines, penalties or forfeitures, and all monies obtained in any manner whatever, by virtue of this act, shall be paid into the hands of the treasurer, for the public use of said village ; and the treasurer shall, and he is hereby authorized, in case any person having so received any money by virtue of this act, to and for the proper use and benefit of said village, and shall refuse or neglect to pay the same to him, to prosecute every such offender in the name of the trustees of said village, for monies had and received to and for the use of said village.

Fines, &c.
to be paid
to the trea-
surer.

XIV. *And be it further enacted,* That it shall be lawful for the legislature at any time to repeal or amend this act.

This act
may be re-
pealed or
amended.

CHAP. LVIII.

An ACT to amend an act entitled " An act to vest certain powers in the Freeholders and Inhabitants of the Village of Herkimer.

Passed March 12, 1813.

I. *BE it enacted by the people of the state of New York, represented in Senate and Assembly,* That the freeholders and inhabitants of said village, at their annual meetings, and at such other times in the year as the trustees mentioned in said act, or a majority of them, may think necessary, to advertise for the purpose at least one week before such meeting shall be and hereby are authorized and empowered in addition to the powers to them granted by the act hereby a

mended, to make, ordain, constitute and establish such prudential rules, orders and regulations as a majority of such freeholders and inhabitants so assembled and having a right to vote, shall judge necessary and convenient, relative to the preventing and removing of nuisances in any and all parts of said village, to the prevention of fires, of the exploding of gun powder and the discharging of fire arms within the same (excepting by militia or regular troops when embodied or under the command of their proper officers) relative to the running of horses in the streets or public highways, and to the going or running at large of horses and cattle in said village, and to impose such penalties on the offenders against such rules, orders and regulations, or any or either of them, as the majority of such freeholders and inhabitants having a right to vote, so assembled shall from time to time deem proper, not exceeding five dollars for any one offence, to be sued for and recovered in the same manner as in and by the act hereby amended the penalties for offences under the said act are to be sued for and recovered.

II. *And be it further enacted*, That it shall and may be lawful for the trustees of said village to increase the number of firemen provided for by the act hereby amended, to any number not exceeding twenty in the whole.

CHAP. LIX.

An ACT for the relief of the heirs of the late George Clinton, Esquire, deceased.

Passed March 12, 1813.

WHEREAS George W. Clinton, Matthias B. Talmadge and Elizabeth his wife, Stephen D. Beekman and Maria his wife, and George Clinton Genet, Henry James Genet, Maria Louisa Genet, Charles Alexander Genet, and Cornelia Tappen Genet, infants, by Edmund C. Genet their father and guardian, have by their petition represented, that the said George W. Clinton, Elizabeth Talmadge, Maria Beekman, George Clinton Genet, Henry James Genet, Maria Louisa,

Preamble.

Charles Alexander and Cornelia Tappen Genet, are the heirs at law and next of kin of the late George Clinton, Esquire, who died intestate as far as the said petitioners have been able to discover, and possessed of a large estate, both real and personal :

That the said George W. Clinton, Elizabeth Talmadge, Maria Beekman, George Clinton Genet, Henry James, Maria Louisa, Charles Alexander and Cornelia Tappen Genet, are the heirs at law and next of kin of the late George Clinton, Esquire, who died intestate as far as the said petitioners have been able to discover, and seized and possessed of a large estate, both real and personal.

That the said George Clinton was jointly with the late John M'Kesson, Esquire, in his life time, seized of several lots and parcels of land, situate in the patent of Kayaderosseras, and in the counties of Washington, Montgomery and Saratoga, in this state, in trust for themselves and for Peter Tappen and Christopher Tappen, and that after the death of the said John the said George was seized of the said lots and parcels of land in trust for himself, the said Peter and Christopher, and for James M'Kesson, Alexander M'Kesson, William M'Kesson and Patrick Reid, as more fully appears by a deed poll declaratory of the said trusts, executed by the said George Clinton, and bearing date the nineteenth day of October, one thousand eight hundred and one ; and that the said George Clinton and John M'Kesson in some instances, and the said George Clinton in other instances, for the benefit of all the interested persons made divers conveyances or contracts for the sale of particular parts of the said lands, of which lands, at the time of the death of the said George Clinton, some were sold and paid for by the purchasers, but not conveyed to them, some were indeed sold and conveyed, and mortgages taken for part of the purchase money, but the deeds and conveyances are defective and useless, in as much as they do not properly describe and locate the premises intended to be conveyed, and on other lots which were duly sold, conveyed and mortgaged, the principal and interest

due at the time of the death of the said George exceeded what the lands would now sell for, and no remedy can be had on the bonds in consequence of the removal or flight of the obligors, so that it is become necessary for the interest of the parties concerned, to foreclose and buy in the equity of redemption and resell the said lots for their benefit, more particularly as in some of those cases, the premises are now possessed by persons claiming to hold adversely, and not under any title from the said George Clinton or John M'Kesson; and in one case of property mortgaged for part of the purchase money, the said George Clinton sold the property so mortgaged, under a power contained in the said mortgage, and caused the premises to be bought in by Anthony Lamb, Esquire, for the benefit of himself and the other parties concerned in the said lots or parcels of lands, but died without executing a deed of the said premises to the said Anthony Lamb, who after the purchase made by him as aforesaid, contracted on behalf of the said George Clinton for the sale of the said premises, and received part of the consideration money, but is, on account of the matters herein before set forth, unable to execute a legal conveyance pursuant to the said contract.

That others of the said lots were duly sold and conveyed, but the premises were mislocated by the surveyor of the grantors, who encroached in a line of several miles about twelve rods on a neighbouring range of farms, leaving out a like quantity on the opposite side. That the purchasers after an expensive controversy lost the twelve rods on one side without being able to recover to their proper bounds on the other side, the lands being held adversely for many years; and there are other difficulties arising and likely to arise from erroneous surveying; all of which will require to be adjusted with the respective purchasers:

That controversies arose during the life time of the said George Clinton between him acting for himself and the other parties interested as herein before set forth on the one part, and the heirs of William Smith, late chief justice of Lower-Canada, of the other part,

respecting several of the said lots, in which the heirs of the said William Smith claim an undivided moiety, some of which lots have been sold and conveyed by the said George Clinton, or by him and the said John McKesson, and the considerations paid or mortgages taken for them; that the said George Clinton and the heirs of William Smith agreed to refer the decision of the said claim to arbitrators, and that if the said claim was found to be valid, the remaining unsold lots should be sold, and the proceeds of the whole divided accordingly, the heirs of the said William Smith executing releases to quiet the possession of those holding under the said George Clinton, and he the said George joining with the heirs of the said William Smith in the conveyance of the remaining unsold lots; but that a decision on this claim was postponed until some title deeds could be brought from Quebec, and remain yet to be adjusted.

That the said George Clinton had before his death entered into contracts and made agreements with different persons for the sale of real property of which he was seized in his own right, but had omitted or neglected to execute legal conveyances conformably to such contracts; and had also caused to be sold certain property mortgaged to him pursuant to a power contained in the mortgages of the said property, but had died without executing conveyances to the purchasers under such sale, and had also caused to be advertised for sale agreeably to similar powers other property mortgaged to him, but died before the time specified in the respective advertisements for such sales.

That in consequence of the minority of some of the heirs of the said George Clinton, there is no person legally authorized to adjust the aforesaid just and equitable demands against them, or to execute conveyances conformably to the aforesaid contracts, or to complete the sales of the aforesaid property; and that altho' the purchasers under the said contracts and sales may probably be able to enforce the execution of the said conveyances, or any other of their just demands, thro' the court of chancery, or some of the other courts

of this state, yet it can only be accomplished by oppressively numerous and tedious law suits, the delay of which would very injuriously tend to prevent the final settlement and distribution of the property to which the said petitioners have become entitled as aforesaid, and the expence of which would waste and dissipate the property of the said petitioners to their manifest loss and grievous injury, altho' they admit the justice of the aforesaid claims and demands, and would give no more opposition to any suit instituted for enforcing them than what the rules of the respective courts necessarily exact where infants are parties.

That it will be advisable and advantageous to them all to have an amicable partition of the real estate of the said late George Clinton, but which cannot be effected by any proceedings in the ordinary courts without very great expence and delay on account of the scattered state of the property, by means whereof the division of the said property would be exceedingly retarded, and the amount of the estate, which the said petitioners have inherited as heirs of the said George Clinton, would be very much diminished.

That a partition was heretofore made between the said George Clinton and John Jacob Astor, of certain property (of which an undivided moiety was purchased by the said John Jacob Astor of the said George Clinton, and sold and conveyed to the said John Jacob Astor) situate in the village of Greenwich, near New-York, and of which partition was made and executed with a view to the position of certain streets by and between them agreed upon, laid out, and by them to be opened through the said property, but that the streets and avenues as they have since been laid out by the commissioners appointed under an act of the legislature of this state, intersect and cut up the said property in a manner extremely prejudicial to all parties, and that it will be very much to the interest of the said petitioners to have a new partition made of the said property with reference to the streets and avenues so laid out by the commissioners as aforesaid, but that the same cannot at present be done in conse-

quence of the minority of some of the said petitioners, and the legal incapacity of any one to execute releases or conveyances which would be binding on such of the said petitioners as are under age as aforesaid.

And the said petitioners by their said petition pray for an act of the legislature of this state, enabling the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors and survivor of them, to execute sufficient conveyances of all such property as the said George Clinton had entered into contracts or made agreements for selling as aforesaid; and also of all such property as the said George Clinton had caused to be sold or advertised for sale, or as it may be necessary hereafter to sell or advertise for sale pursuant to the powers contained in mortgages made or assigned to the said George Clinton or to the said George Clinton and John M'Kesson as aforesaid, and to adjust all claims and differences arising from erroneous surveying or mislocations as aforesaid, and to adjust and settle the controversy now existing and yet undecided with the heirs of the said William Smith as aforesaid, and to execute all necessary conveyances for effectuating the aforesaid objects to all intents and purposes in the law; and also enabling them the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman, and Edmund C. Genet, and the survivors and survivor of them, to make partition a new with the said John Jacob Astor for the said petitioners of the said property in Greenwich, and to receive and execute releases of any parts thereof for and on behalf of the said petitioners; and also enabling the said Edmund C. Genet, for and on behalf of the petitioners his children, to join in making an amicable partition of the undivided real estate of which the said George Clinton died seized as aforesaid, among the heirs of the said George Clinton, and for that purpose to receive and execute releases of any parts thereof for and on behalf of the said petitioners the children of the said Edmund C. Genet; and enacting that all such conveyances or releases so executed by the said George W. Clinton, Matthias B.

Talmadge, Stephen D. Beekman, and Edmund C. Genet, or the survivors or survivor of them, and all such releases so executed by the said Edmund C. Genet as aforesaid shall be to all intents and purposes binding and obligatory on the heirs and next of kin of the said George Clinton, in the same manner as if the said heirs were of full age and parties thereto: Therefore,

I. *Be it enacted by the people of the state of New-York,* Contracts entered in: to by G. Clinton for the sale of lands how to be confirmed. *represented in Senate and Assembly,* That it shall and may be lawful for the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors and survivor of them, to execute conveyances of, and to convey and grant all such property as the said George Clinton had entered into contracts or agreements for selling as in the above recited petition is set forth; and also all such property as the said George Clinton had in his life time caused to be sold, or advertised for sale, pursuant to the powers contained in mortgages made or assigned to the said George Clinton, or to the said George Clinton and John M'Kesson, as in the before recited petition is set forth: *Provided nevertheless,* Provide: That no such conveyances shall convey or grant any greater or larger estate than is expressed in the contract or agreement made or entered into by the said George Clinton, or in the power contained in the mortgage in pursuance of which such conveyance shall purport to be made.

II. *Be it further enacted,* Lands, &c. secured to G. Clinton by mortgage may be sold. That it shall and may be lawful for the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors or survivor of them, to advertise for sale, and to sell all such property as they or such survivors or survivor shall from time to time judge it expedient and adviseable to sell for any debt or debts secured by a mortgage made or assigned to the said George Clinton, or to the said George Clinton and John M'Kesson, as is set forth in the before recited petition, and to convey and grant such property so advertised and sold to such person or persons as may be purchaser or purchasers thereof, or of any part or parts thereof respectively: *Provided,* Provide. That the said last mentioned property be advertised and sold pursuant to the power contained in the

said mortgage made or assigned as aforesaid, and in the manner and conformably to the regulations which at the times of publishing such advertisements and making such sale shall be required by law with respect to the sale of mortgaged property under a power in the mortgage.

Certain
claims
how to be
adjusted.

III. *Be it further enacted*, That it shall and may be lawful for the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman and Edmund C. Genet, and the survivors or survivor of them, to adjust all claims or differences which have arisen or may hereafter arise from erroneous surveying or mislocations, as is set forth in the before recited petition, and to adjust and settle the controversy set forth in the before mentioned petition to be now existing and yet undecided with the heirs of the said William Smith, and to execute all necessary conveyances for the final adjustment and settlement of the several claims, differences and controversies in this section mentioned or referred to.

Property
in Green-
wich how
to be par-
titioned.

IV. *Be it further enacted*, That it shall and may be lawful for the said George W. Clinton, Matthias B. Talmadge, Stephen D. Beekman and Edmund C. Genet and the survivors or survivor of them, to make partition anew, for and on behalf of the heirs of the said George Clinton, deceased, with John Jacob Astor in the before recited petition mentioned, of the property situated in the village of Greenwich near New-York, also in the said petition mentioned; and to accept and execute such releases or other conveyances of any part or parts thereof, for and on behalf of the heirs of the said George Clinton, as may be necessary for effectuating the aforesaid partition.

Commis's
to make
partition
of the es-
tate of G.
Clinton.

V. *Be it further enacted*, That Pierre C. Van Wyck, John M'Kesson and Thomas Addis Emmet shall be and they are hereby nominated and appointed commissioners for dividing in a fair and equitable manner among the said George W. Clinton, Elizabeth Talmadge, Maria Beekman, and the children of the said Edmund C. Genet, according to their respective rights and interests in the same, all and singular the lands, tenements and real estate of which the said George Clinton died seized in his own right as is in the said pe-

tion is set forth, except the aforesaid property in the village of Greenwich, near New-York, and also for dividing such property in the said village of Greenwich as shall fall to the heirs of the said George Clinton, and as they shall be seized of after executing the partition with the said John Jacob Astor as aforesaid; and also so much of the said property of which the said George Clinton was seized for himself and the said Peter and Christopher Tappen, James, Alexander and William M'Kesson, and Patrick Reid as aforesaid, as shall fall to the heirs of the said George Clinton, if the said property shall hereafter be divided between them and the other tenants in common thereof during the minority of any of the heirs of the said George Clinton, and that the said commissioners, or any two of them, cause such surveys and maps of the said lands to be made by such surveyor or surveyors as they or a majority of them shall appoint, in such manner as that there shall be contained in any one of the said surveys or maps only such of the said lands as lie immediately contiguous and adjoining, and to divide the lands contained in each of the said surveys and maps into any number of lots as nearly equal in quantity and quality as possible, so as that the said lots shall be marked or expressed in each survey and map, and the number of them in each survey and map shall be either four, or some other number that will divide by four, without leaving a remainder, a true copy of each of which said surveys and maps, subscribed by the said commissioners, or any two of them, shall be filed in the office of the secretary of this state, and in the office of the clerk of each of the counties in which any part of the land contained in the said survey and map shall be situated; and after each of the said surveys and maps shall have been filed as aforesaid, in order that the division of the lands therein contained shall be duly made and performed, the said commissioners, or any two of them, shall in the first place make a division of the lots expressed in the said survey and map into four parts, by setting down upon four separate tickets the number of the said lots in such manner as to make the said four parts as nearly equal as possible in quantity and quality, which tickets shall be

put into a box, and four other tickets shall be put into another box, one of the said tickets marked with the name of the said George W. Clinton, another of the said tickets marked with the name of the said Elizabeth Talmadge, another of the said tickets marked with the name of the said Maria Beekman, and another of the said tickets marked "children of Cornelia T. Genet;" and the said tickets shall thereupon be drawn out of the said boxes alternately, first a ticket with the number of lots and then a ticket of names, by an indifferent person to be appointed by the said commissioners, or any two of them, in the presence of one or more of the judges of the supreme court; and the several lots mentioned in the ticket drawn immediately before the ticket bearing the name of the said George W. Clinton, shall in every instance upon such balloting, vest in severalty in the said George W. Clinton, his heirs and assigns forever; and in like manner the lots mentioned in the ticket drawn immediately before the ticket bearing the name of the said Elizabeth Talmadge, shall in every instance upon such balloting vest in severalty in the said Elizabeth Talmadge, her heirs and assigns forever; and in like manner the lots mentioned in the ticket drawn immediately before the ticket bearing the name of the said Maria Beekman, shall in every instance upon such balloting vest in severalty in the said Maria Beekman, her heirs and assigns forever; and in like manner the lots mentioned in the ticket drawn immediately before the ticket bearing the words "children of Cornelia T. Genet," shall in every instance upon such balloting vest exclusively in the children of the said Cornelia T. Genet and of the said Edmund C. Genet; as tenants in common, and in their heirs and assigns forever, as an inheritance coming to them on the part of their mother the said Cornelia T. Genet; and all the lands to be divided by virtue of this act shall be divided among his heirs in the manner herein before set forth, so as that the said George W. Clinton, Elizabeth Talmadge and Maria Beekman shall respectively be and become each of them seized in fee in severalty of all and singular the lots of land marked or expressed in the ticket or tickets drawn immediately before the ticket or tickets respectively

bearing his or her name; and the said children of the said Edmund C. Genet shall be and become seized in fee, as tenants in common, of all and singular the lots of land marked or expressed in the ticket or tickets drawn immediately before the ticket or tickets marked, "children of Cornelia T. Genet," free and discharged of and from all claim, title or demand whatsoever of the said George W. Clinton, Elizabeth Talmadge and Maria Beekman, or either of them, or the heirs or assigns of either of them.

VI. *Be it further enacted*, That the said commissioners, or any two of them, shall make and set down in writing all the proceedings respecting the said balloting and partition, one copy whereof, certified under the hands of the said commissioners, or any two of them, and under the hands of the judge or judges present at such division, shall be filed in the said secretary's office, and a copy of so much of the said proceedings as shall relate to the lands contained in each of the before mentioned surveys, certified as aforesaid, under the hands of the said commissioners, or any two of them, and under the hand or hands of the judge or judges present at the division of the said lands contained in the said survey, shall be filed in the office of the clerk of each of the counties in which any part of the land contained in the said survey shall be situated, any of which said certified proceedings, or an attested office copy thereof, shall forever thereafter be good evidence of such partitions.

Proceedings of the commissioners where to be filed.

VII. *Be it further enacted*, That the expenses of the said division shall be borne and paid by the several persons interested in the said tracts of land in the following proportions, that is to say, one fourth part thereof by the said George W. Clinton, another fourth part thereof by the said Matthias B. Talmadge, as husband of the said Elizabeth, another fourth part thereof by the said Stephen D. Beekman, as husband of the said Maria, and another fourth part thereof by the children of the said Cornelia T. and Edmund C. Genet, to be equally divided among them, and to be paid out

Expences of the partition how to be paid.

of their respective estates by their guardian the said Edmund C. Genet.

Convey-
ances a-
greeable to
this act to
be valid.

VIII. *And be it further enacted*, That all such conveyances or releases as shall be made in pursuance of and conformably to the provisions of this act, shall be to all intents and purposes binding and obligatory on the heirs of the said George Clinton, and as valid and effectual in the law as if the heirs of the said George Clinton were all of full age and unmarried, and parties to such conveyances or release.

CHAP. LX.

An ACT for the relief of the Commissioners for loaning money in the County of Greene.

Passed March 12, 1813.

WHEREAS Amos Eaton mortgaged a certain tract of land to the commissioners for loaning money in the county of Greene, to secure the payment of seventy-five dollars, pursuant to the act in such case made and provided: And whereas Joseph Allen, junior, who derived his title from the said Amos, also mortgaged a certain piece of land as aforesaid to secure the sum of sixty dollars to him loaned as aforesaid by the commissioners aforesaid: And whereas the said Amos has been convicted of forging a release of the said pieces of land mortgaged as aforesaid by himself and the said Joseph: And whereas the said Amos and Joseph are insolvent,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the treasurer of this state be and he is hereby authorized and required to credit and to give receipts to the commissioners for loaning money in the said county of Greene for the interest which is or which may become due hereafter on the said mortgages of the said Amos Eaton and Joseph Allen, junior: *Provided*, That the said commissioners shall not by this act be released from the payment of principle and interest of the said sums of money for which the said mortgages were given, if the same shall or can be hereafter collected: *Provided also*, That nothing in this act shall discharge the said Amos and Joseph from their said mortgages,

CHAP. LXI.

An ACT to enable the President, Directors and Company of the Bank of Troy to discount at their Office of Deposit in the Village of Waterford.

Passed March 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the bank of Troy to discount at their office of deposit in the village of Waterford, in the county of Saratoga, whenever the same shall be there established in pursuance of the directions of the act incorporating said company, upon the same terms and in the same manner as shall be practised at said bank, any thing in the said act of incorporation to the contrary notwithstanding.

CHAP. LXII.

An ACT authorizing Henry Kennedy and Matthen Nealy to erect a Dam across the Cohocton Creek, in the County of Steuben, and for other purposes.

Passed March 12, 1813.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Henry Kennedy and Matthew Nealy are hereby authorized to erect a dam across the Cohocton creek, about four miles above the village of Bath, and near the bridge on the Canesteo road, for the use of their mills, which said dam when so erected shall not exceed two feet six inches in height; and that the said Kennedy and Nealy shall construct in the said dam an apron or lock of such dimensions as will at all times render the passage safe and easy for arks, rafts, and all kinds of boats common on said river, during the continuance of the said dam: *Provided*, That by erecting the said dam the said Kennedy and Nealy, and all subsequent proprietors or occupants under them, shall not divert from its natural course so much of the water when it shall be low as to impede or retard the progress of Joseph Inslee's mill, situate below the aforesaid dam.

A dam of
2 feet 6 in.
high may
be erected

Proviso.

Penalty for
letting the
lock out of
repair.

II. *And be it further enacted*, That if at any time during the continuance of the aforesaid dam the lock or apron shall be out of repair, and thereby impassable for arks, rafts and boats common in said creek or river, then and in such case the foregoing section and its several provisions shall be absolutely void.

A. M'Call
may con-
tinue a
dam across
the Tioga
river.

III. *And be it further enacted*, That Ancell M'Call be, and he is hereby authorized to continue a dam across the Tioga river, at or near the chimney narrows, in the town of Painted Post, in the county of Steuben, for the purpose of conveying water to his mills: *Provided*, The said dam shall not be built more than one foot high in the channel of the river: *And provided further*, That the owner of said dam at all times hereafter shall keep in repair a safe and easy passage for all boats, arks, and rafts common on said river; and whenever the said owner or owners shall neglect so to keep in repair such passage, this section shall with all its provisions become void.

CHAP. LXIII.

An ACT concerning the conveyance of real estate in this state for the security and benefit of the School Fund of Connecticut. Passed March 12, 1813.

WHEREAS it is represented to this legislature, that the state of Connecticut have by a permanent appropriation, constituted a fund for the support of free schools, and that sundry citizens of this state have become debtors to said fund; and that for the accommodation of said citizens, as well as the security of said fund, it has been found convenient to make conveyances of real estate in this state to the said state of Connecticut, or the trustee of said state, for the use and benefit of said school fund; and it appearing to this legislature that the establishment of said school fund is for a useful and benevolent purpose, and will be of great public benefit: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the consent of this state be, and the same is hereby given to all conveyances of real estate in this state which have been

made to the state of Connecticut, or a trustee of said state, for the security, protection and benefit of said school fund, and the same shall be as valid in law to all intents and purposes as if such conveyance had been made to a citizen of this state; and such real estate may be transferred by said state of Connecticut in the same manner as is provided by the laws of this state: *Provided*, That no lease or other conveyance reserving rent shall be made for a longer term than ten years, nor shall any mortgage, or other security on land, be taken, the last payment of which shall not fall due within ten years from the passing of this act.

CHAP. LXIV.

An ACT to incorporate the Stockholders of the Ontario Bank.

Passed March 12, 1813.

WHEREAS Nathaniel Gorham, Phineas P. Bates, Moses Atwater, Nathaniel W. Howell, Oliver L. Phelps, and others, associated as a company under the style of the Ontario bank, by their petition preferred to the legislature have prayed for the privilege of being incorporated as a company and body corporate: Therefore, Preamble.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all such persons as shall be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be from time to time, and until the first Monday of June, which will be in the year of our Lord one thousand eight hundred and thirty-three, a body corporate and politic, in fact and in name, by the name of "the President, Directors and Company of the Ontario Bank," and by that name they and their successors, until that day may and shall have succession, and shall be in law persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, Company
incorpor-
ated.

Their
style, &c.

and may change and alter the same at their pleasure ; and also, that they and their successors, by the aforesaid name of incorporation, shall be in law capable of purchasing, holding and conveying any estate real or personal, for the use of the said corporation : *Provided*, That the real estate which it shall be lawful for the said corporation to hold shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts : *And provided further*, That the bank shall be established in the village of Canandaigua, and that its operations of discount and deposit shall be carried on in the said village of Canandaigua, and not elsewhere : *And further*, That the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever, or in buying or selling any stock created under any act of the United States or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

IV. And be it further enacted, That the capitals stock of the said corporation shall not exceed five hundred thousand dollars, and that a share in the said stock shall be fifty dollars ; and it shall be the duty of the president and directors to advertise in each of the public newspapers, printed in the villages of Canandaigua and Geneva, at least six weeks previous to the opening the books, giving particulars of the time and place where and when the books shall be opened, and they shall be kept open for subscribers at least two days in each week for one month after the subscription shall be so opened, and at least six hours in each day ; and that each person so subscribing, shall pay at least two dollars and fifty cents on each share he shall so subscribe for, otherwise it shall not be considered a subscription ; and if at the expiration of the said one month

Capital not
to exceed
\$500,000

there should be more shares subscribed for than the whole amount of the capital stock of said bank on which the two dollars and fifty cents on each share has been paid, then it shall be the duty of the president and directors to apportion to each subscriber the same proportion that his subscription shall bear to the whole amount he subscribed as will make the amount of the capital stock: *Provided*, No person shall have apportioned to him more than one hundred shares; and that any person not signing more than five, shall have the whole number of shares allowed him in case there shall be a sufficient number of shares to allow five shares to each subscriber; and in case there shall be less than five shares to each subscriber, then it shall be lawful to divide the shares amongst the subscribers as nearly equal as possible, and that the president and directors shall have power, in case they suspect any person to have subscribed in trust for another; to examine him or any other person on oath, touching the same, and in case they shall be satisfied that such person or persons do not intend to be a stockholder in his or their own right, or in case he or they refuse to be examined on oath relative thereto, then it shall be lawful for the said president and directors not to allow him, her or them, any share or shares; and in case the whole of the stock shall not be taken up within the said month, then it shall be lawful for the said president and directors to allow any person to subscribe such number of shares as they may deem proper, until the whole number of shares of the capital stock shall be subscribed.

Provided;

III. *And be it further enacted*, That the said president and directors, before they enter on the duties of their office, shall each take and subscribe the following oath before one of the judges of the court of common pleas of the county of Ontario: "I - - - do solemnly and sincerely promise and swear, that I will well and truly, and according to the best of my ability, execute the duties of a director in apportioning the stock of the said company, without fraud, fear, favor or partiality, and that I will not apportion any shares to any person

Oath of
the presi-
dent and
directors.

who I know has subscribed for any other person or persons, and does not intend to be a bona fide stockholder," which oath shall be filed in the clerk's office of said county, and the apportionment made by the said president and directors taking the oath aforesaid, shall be final and conclusive.

Directors. IV. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by eleven directors, to be appointed and chosen in manner hereafter mentioned, who shall be stockholders and citizens of this state, and shall hold their offices for one year, and until others shall be chosen in their places; the election for directors shall be held on the first Monday of June in each year, at such time of day and at such place within the village of Canandaigua, as a majority of the directors shall appoint, and public notice shall be given not less than thirty days previous to the time of holding said elections, by an advertisement to be inserted in one or more of the public newspapers printed in the county of Ontario; said elections shall be made by the stockholders in the said corporation, either in person or by proxy; and all elections for directors, shall be by ballot, each stockholder shall be entitled to a number of votes which he or she shall have held in his or her name, at least thirty days previous to the time of voting, according to the following ratio, that is to say, at the rate of one vote for every share not exceeding twenty, and one vote for every five shares above twenty and not exceeding fifty, and one vote for every ten shares above fifty; and the eleven persons who shall have the greatest number of votes as aforesaid shall be directors; and if it should happen at any election that two or more persons voted for as aforesaid, shall have an equal number of votes, then the directors in office, at the time of such election, or a major part of them, shall proceed to ballot, and by plurality of votes, determine which of the said persons so having an equal number of votes shall be director or directors, so as to complete the whole number so to be elected; and the directors, as soon as may be thereafter, shall

Election how to be made.

proceed to elect by ballot one of their number to be president; and if any director living in the county of Ontario shall remove out of the same, his office shall be considered as vacant; and all vacancies in the direction shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors, or a majority of them, shall appoint; and the first directors shall be Asahel Warner, David E. Evans, Heman Norton, Phineas P. Bates, John Greig, Nathaniel Gorham, Moses Atwater, Thaddeus Chapin, Jasper Parish, Stephen Bates, Philetus Swift, who shall hold their offices respectively until the first Monday of November in the year of our Lord one thousand eight hundred and fourteen.

First directors.

V. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day [prescribed by this act, the corporation for that cause shall not be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors, according to the bye-laws and regulations of said corporation.

Corporation not to be dissolved for not holding election on the day appointed.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have full power to make and prescribe such bye-laws, orders, rules and regulations as to them shall appear needful, touching the management and disposition of the stock, property, estate and effects of the said corporation, and the time and manner of the discounts and deposits made in and by the same, the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such matters as appertain to the business of a bank, and shall also have power to appoint so many officers, clerks and servants for carrying on all and singular the said business, and with such salaries and allowances as to them shall seem meet: *Provided*, That such bye-laws, orders, rules and regulations be not repugnant to the constitution and laws of this state or of the United States.

Directors may make bye-laws.

Proviso.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual until such transfer shall

Transfers how to be made

be registered in a book or books to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such persons.

VIII. *And be it further enacted,* That the total amount of debts at any time and in any manner due by the said corporation, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank; and in case of any excess, the directors under whose administration the same may have happened, excepting those who dissented therefrom, or were not present when the same did happen, shall in their individual and private capacities be liable for such excess; and the estate of the said corporation shall also be liable therefor.

Total debt
not to ex-
ceed three
times the
amount of
capital.

Bills as-
signable.

IX. *And be it further enacted,* That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names, and bills or notes which may be issued by order of said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect as upon any private person or persons if issued by him, her or them, in his or their private capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

Monies
subscrib-
ed may be
demanded

X. *And be it further enacted,* That it shall be lawful for the directors for the time being to call and demand of the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such

times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, to the said company, always however giving sixty days previous notice of such call and demand in one or more of the newspapers published as aforesaid.

XI. *And be it further enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of said bank as they, or a majority of them, shall deem advisable; and that the said corporation shall not demand any greater interest on a loan or discount for a term not exceeding sixty days, than at the rate of six per centum per annum; and that no director shall be entitled to receive any emolument for his services, except the president for the time being.

Dividends
how to be
made.

XII. *And be it further enacted*, That this present act of incorporation shall in no wise be forfeited by any non-user whatsoever at any time before the first Tuesday of February next, and it shall on that day be lawful for the stockholders above mentioned to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

This act
not to be
forfeited
by any non
users.

XIII. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed for all the purposes therein expressed and declared, in all courts and places whatsoever.

This is a
public act.

CHAP. LXV.

An ACT to enable the Mayor, Recorder, and Aldermen of the City of New-York to raise money by tax.

Passed March 19, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the mayor, recorder and aldermen of the city of New-York as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered as soon as conveniently may be after the passing of this act, to order and cause to be raised by

\$90,000
may be
raised by
tax.

a tax, on the estates real and personal of the freeholders and inhabitants of, and situate within the said city, and to be collected, a sum not exceeding ninety thousand dollars, to be applied to the support and maintenance of the poor of the city and county, the support and repairs of the Bridewell of the said city, the support and maintenance of criminal persons, the repairing and taking care of other public buildings in the said city belonging to and under the custody and care of the mayor, aldermen and commonalty of the city of New-York, the making, regulating, repairing and improving the public streets and roads in the said city and county, the defraying of other contingent expences arising within, and properly chargeable to the said city and county, and for defraying the expences which the mayor, aldermen and commonalty of the city of New-York may sustain, or be put to, in exercising the powers vested in them by the act passed the second day of April, one thousand eight hundred and three, entitled "An act to invest the mayor, aldermen and commonalty of the city of New-York with adequate powers in relation to certain objects of importance to the police and health of the said city." And for supplying the deficiencies of former taxes upon any and every of the wards of the said city owing to the insolvency or inability of the collectors of the said wards, any or either of them, or others, and fees of collection not heretofore provided for, such deficiencies however, to be assessed on the estates, real and personal, of the freeholders and inhabitants of, and situate within the said wards respectively, where they shall happen as aforesaid; and also a further sum not exceeding seventy thousand dollars by a tax on the estates real and personal of the freeholders and inhabitants of, and situate within the said city to the southward of a line beginning at the North river at a place called Deklyne's ferry, a little to the northward of the state prison, thence easterly in front of the new banking houses to the road commonly called the Sandy-Hill road, to the northward of Potter's field and the house of William Neilson, to the bowery road to a street commonly called

Also \$70,000 may be raised within certain limits.

Stuyvesant street, and through the middle thereof to the East river, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York in common council convened, shall appoint and employ for watching and guarding the said city to the purchasing of oils, providing lamps and putting up the same, and repairing, cleansing and lighting those which now are, or hereafter may be, erected within that part of the said city last described, to the cleansing and repairing public wells and pumps in the said city, and to defray the other contingent expences arising in and properly chargeable to that part of the said city to the southward of the line aforesaid, as the said mayor, aldermen and commonalty in common council convened, may from time to time direct, and for supplying deficiencies of former taxes upon the same part of the same city last described, owing to insolvencies and fees of collectors not heretofore provided for; such deficiencies, however, to be assessed on the estates real and personal of the freeholders and inhabitants of and situate within the said wards respectively, where they shall happen as aforesaid, to the southward of the line aforesaid.

II. *And be it further enacted*, That the said several sums of money shall be assessed in the manner directed by the act entitled "An act for the assessment and collection of taxes," and each persons tax in one ward shall be collected in one payment, and the monies so collected, paid into the hands of the treasurer or chamberlain of the said city, at such time after the passing of this act, as the said mayor, recorder and aldermen, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

Assess-
ments how
to be made

III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city to retain in their hands three cents on each dollar by them collected; the collectors of the fourth, fifth, sixth, seventh and tenth wards of the said city, to retain in their hands four cents on each dollar

Compensa-
tion of the
collectors.

by them collected, and the collectors of the eighth and ninth wards of the said city to retain in their hands five cents on each dollar by them collected and no more, as a full compensation for their trouble in collecting and paying to the said treasurer or chamberlain the monies which shall be raised by virtue of this act.

CHAP. LXVI.

An ACT to alter the name of the Town of New-Goshen in the County of Greene.

Passed March 19, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the passing of this act, the town of New-Goshen, in the county of Greene, shall be called and known by the name of Lexington.

CHAP. LXVII.

An ACT to incorporate the Dutchess County Marble Company.

Passed March 19, 1813.

Preamble.

WHEREAS Benjamin Strong, John Taylor, John Mason, Garret Stevens, David Ely, junior, and Isaac Mills, have by their petition set forth that the said Stevens, Ely and Mills now own two marble quarries in the town of Amenia, in the county of Dutchess, which have for some time past been in operation, and that the petitioners have discovered some other beds of marble in this state which have not been opened, and which they are desirous to purchase, open and bring into operation; that the aforesaid petitioners have requested that the legislature would pass an act incorporating them and their associates for the purpose of opening quarries, raising and working marble and disposing thereof: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That Benjamin Strong, John Taylor, John Mason, Garret Stevens, David Ely, Junior, and Isaac Mills and all others who are or shall become subscribers or associates for the purpose of this act, shall be, and they hereby are, together with their assigns and successors, established and made a body corporate and politic for the purpose.*

B. Strong
and others
incorporated.

of conducting said marble quarries and such others as they shall open or work, and for the purpose of manufacturing marble in this state and disposing thereof, by the name of "Dutchess County Marble Company," for the term of forty-two years, and by that name, they and their successors shall be and hereby are authorized and empowered to purchase, take, hold, occupy, possess and enjoy to them and their successors, any goods, chattels and effects of whatever kind they may be, the better to enable them to carry on said business to advantage; also to purchase, take, hold, occupy, possess and enjoy any such lands, tenements or hereditaments within the counties of Dutchess, Columbia, Ulster and Greene, and within the cities of New-York and Albany as shall be necessary for the views and purposes of said corporation, or to take any lease or leases thereof, and the same again to sell and dispose of at pleasure, also to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any court of record or elsewhere; and the said corporation may have and use a common seal and may alter the same at their will and pleasure, and by such seal (for the time being) their proceedings, deeds and transactions shall and may be certified and established. Their style, &c.

II. *And be it further enacted*, That the capital stock of said corporation shall not exceed one hundred thousand dollars, and that a share of the said stock shall be fifty dollars, and the present owners of said quarries shall have a right to subscribe (if they shall wish so to do) for any number of shares in said corporation to the amount of one third thereof; that the stock of said company shall be deemed and considered personal estate and transferable only on the books of said company in such form as the directors of said company shall prescribe, but no transfer shall be valid so long as the stockholder transferring is or shall be indebted to said company; and that the said Benjamin Strong, John Taylor, John Mason, Garret Stevens, David Ely, junior, and Isaac Mills, are hereby appointed commissioners, who, or either three of them, may as soon after the passing of this act as shall be convenient, receive subscriptions. Stock, &c.

for the stock of the said corporation in such manner as they shall deem most expedient and proper, and that said commissioners or either three of them, are hereby authorized and empowered to call a meeting of the stockholders as soon as twenty thousand dollars shall be subscribed for, at such time and place as they shall appoint, for the purpose of electing directors.

5 directors
may be
chosen.

III. *And be it further enacted*, That the stock, property and affairs of the corporation shall be managed by five directors, one of whom shall be president, who shall hold their offices for one year, which directors shall be stockholders and citizens of the United States, and shall be annually elected at such time and place as the regulations of said corporation shall prescribe; a majority of the directors shall on all occasions constitute a board for the transaction of business, and a majority of the stockholders present at any legal meeting, shall be capable of transacting the business of such meeting, each share entitling the owner thereof to one vote.

Other offi-
cers may
be appoint-
ed.

IV. *And be it further enacted*, That the said president and directors for the time being, or a major part of them, shall have power to appoint and employ, from time to time, a secretary, treasurer and such other officers, mechanics, workmen, artificers, labourers and servants as they may think proper for the transacting of the business and concerns of the said company; and also to make and establish such bye-laws, rules, and regulations, as they shall think expedient for the better management of the officers, concerns, mechanics, workmen, artificers, labourers and servants of the said corporation, and the same to alter or repeal: *Provided*

Proviso.

always, That such bye-laws, rules and regulations be not inconsistent with the constitution and laws of the United States, or of this state; and said directors shall and may as often as the interest of the stockholders shall require, and the affairs of said company will permit, declare a dividend or dividends of profit on each share, which shall be paid to the stockholders by the treasurer of said company.

V. *And be it further enacted*, That if it shall so happen that an election of directors should not take place in any year at the annual meeting thereof, the said corporation shall not for that reason be dissolved, but such election may thereafter be held on any convenient day to be fixed on by the directors, they giving public notice thereof.

VI. *And be it further enacted*, That the books of said company containing their accounts, shall at all reasonable times be open for the inspection of any of the stockholders of the said company, and every year a statement of the accounts of the said company shall be made by order of the directors.

Books of accounts to be open at reasonable times

VII. *And be it further enacted*, That the directors may call in the subscriptions to the capital stock by instalments, in such proportions and at such times and places as they may think proper, under a penalty for ten days neglect of payment of a forfeiture of all previous instalments, and of all rights and interest whatever in the said company, giving public notice thereof at least thirty days in two different newspapers published in the city of New-York.

Directors may call in subscriptions.

VIII. *And be it further enacted*, That for all debts that shall be due from said company, at the time of its dissolution, the stockholders thereof shall then be responsible therefor in their individual and private capacity to the extent of their respective shares and no further: *Provided also*, That nothing contained in this act shall be construed to authorize or empower the said corporation to use their funds for any banking transactions, or in purchasing of the stock of any bank in this state, or any public stock whatever.

Debts show to be settled after the dissolution of the corporation.

IX. *And be it further enacted*, That this act shall be to all intents and purposes considered as a public act, and shall be construed and considered in all courts and places benignly and favorably for every beneficial purpose therein mentioned and contained.

This is a public act.

CHAP. LXVIII.

An ACT relative to the Mohawk Turnpike Company.

Passed March 19, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That for ten years from and after the first day of May next, it shall and may be lawful for the president and directors of the Mohawk turnpike company to erect a gate on each of the bridges across the east and west Canada creeks; and in addition to the toll now permitted to be taken on said road, to demand and receive from persons passing either of the aforesaid two bridges, half the rate of toll that the said company are authorized by the act entitled "An act to incorporate the Mohawk turnpike and bridge company," to take at any other full toll gate on said turnpike road: *Provided*, That nothing in this act shall authorize the said company to demand toll from any person crossing either of the said bridges with a sleigh or sled in the months of January or February in every year, or to receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill, or to or from any general or other training.

II. *And be it further enacted*, That it shall and may be lawful for the said president and directors to make such regulations as they may think proper restraining persons from passing any of the bridges across the east and west Canada creeks, and the Mohawk river at Utica, with horses, oxen, carts, waggons or carriages of any description, faster than on a walk, and to inflict penalties for the breach of those regulations: *Provided* the penalty for each offence shall not exceed one dollar: *And provided*, That due notice be given of the amount of such penalty by placing the same in some conspicuous place at each end of said bridges; said penalty to be recovered in the same manner in which penalties for avoiding any of the gates on said turnpike road are now recovered.

CHAP. LIX.

An ACT to authorize the Supervisors of the County of Genesee to raise money by tax for the erection of a fire-proof Clerk's Office.

Passed March 19, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Genesee, and they are hereby authorized and directed, at their annual meeting in October next to cause a sum not exceeding one thousand five hundred dollars to be levied on the freeholders and inhabitants of the said county, together with the additional sum of five cents on each dollar for collecting the same, which sums shall be levied and collected in the same manner as the other contingent charges of the said county are raised, levied and collected, for the purpose of erecting a fire-proof building for the use of the clerk of said county, and in which all the public records and papers belonging to the office of the clerk of said county shall be kept after the said building shall be completed.

II. *And be it further enacted*, That it shall be the duty of the said supervisors to purchase and procure a convenient lot to erect said building upon, as near as may be convenient to the court-house in the town of Batavia, and that Isaiah Babcock, Ephraim Towner and Isaac Sutherland, of the town of Batavia, be commissioners to superintend the erection of the same.

CHAP. LXX.

An ACT to incorporate the Stockholders of the Bank of Lansingburgh.

Passed March 19, 1813.

WHEREAS James Hickok and others, by their Preamble. petition presented to the legislature, have prayed to be incorporated for banking operations: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all Company incorporated. such persons as now are or hereafter shall be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be, from time to time,

and until the first day of May, one thousand eight hundred and thirty-three, a body corporate and politic, in fact and in name, by the name of "the President, Directors and Company of the Bank of Lansingburgh," and by that name they and their successors, until the said first day of May, one thousand eight hundred and thirty-three, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the same name of the president, directors and company of the bank of Lansingburgh, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation.

Stock.

II. *And be it further enacted*, That a share of the said bank shall be twenty dollars, and the number of shares shall not exceed ten thousand, exclusive of what may be subscribed on the part of the state; and that subscriptions to the said capital stock may be kept open under the direction of the president and directors, until the whole number of shares shall be subscribed; and that this state shall have a right to subscribe any number of shares to the said bank not exceeding in the whole one thousand, which shall be paid for in such proportions, and at such times as shall be provided for by the bye-laws of the said corporation.

15 directors to be chosen.

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by fifteen directors, one of whom to be president, who shall hold their offices for one year, and until others shall be appointed and elected in their stead, in the manner hereafter mentioned: The person administering the government of this state, by and with the advice and consent of the council of appointment, shall, and hereby is authorized annually, on or before the first Monday of April, to appoint two

fit persons from among the stockholders residing in the said village of Lansingburgh, to be directors in said bank ; and in case either of the two directors so to be appointed, shall refuse to accept, or shall die, resign his office, or remove out of the said village, that then and in such case it shall and may be lawful for the comptroller of this state for the time being, from time to time, to appoint by writing under his hand, another stockholder of the said village to be director in his stead ; the remaining thirteen directors shall be stockholders, citizens of this state, and ten of whom at least, at the time of their election, shall reside in the said village of Lansingburgh, and shall be elected on the first Monday of April in every year, at such place in the village of Lansingburgh as a majority of the directors, who shall upon all occasions constitute a board for doing business for the time being, shall appoint ; and public notice shall be given by the said directors, in the public newspapers printed in the said village, of such time and place, not more than sixty nor less than thirty days previous to the day of holding said election ; and the election shall be held and made by the stockholders of the said bank, either in person or by proxy ; and all elections for directors shall be by ballot, each share of the stock having one vote, and the thirteen persons who shall have the greatest number of votes, shall be directors ; and if it should so happen at any election, that two or more persons have an equal number of votes, then the majority of the directors in office, at the time of such election, shall proceed to ballot, and by plurality of votes determine which of the said persons so having an equal number of votes, shall be director or directors, so as to complete the whole number of fifteen ; and the said directors chosen at such election, as soon as may be thereafter, shall proceed in like manner to elect by ballot one of their number to be their president ; and if any director shall remove out of this state, his office shall be considered as vacant ; and when any vacancy or vacancies shall happen by death, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in

which they shall happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and the first directors shall be Elijah Janes, James Hickok, Elias Parmelie, Shubael Gorham, James Adams, John Stewart, Abraham C. Lansing, Jonathan Burr, Calvin Barker, James Denison, Timothy Leonard, James Dougry, Gardner Tracy, Silvanus J. Penniman, and Asa Burt, who shall hold their offices respectively until the first Monday of April which will be in the year one thousand eight hundred and fourteen, and until others shall be appointed and elected in their stead.

First directors.

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been done, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Directors may make bye-laws.

V. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have powers to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein, the election of directors and all such other matters as appertain to the business of a bank; and shall also have power to appoint such and so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided*, That such bye-laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state: *And provided further*, That the said president and directors shall not prohibit by any bye-law or resolution, the discount of notes to the amount of twenty-five dollars.

Proviso.

Bank where to be kept.

VI. *And be it further enacted*, That the said bank shall be established and kept, and buildings necessary for the

accommodation thereof erected, and the business thereof at all times hereafter transacted in the compact part of the said village of Lansingburgh.

VII. *And be it further enacted*, That no transfer of the stock of the said corporation shall be valid or effectual in law, until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such person or persons.

Transfers
how to be
made

XIII. *And be it further enacted*, That the total amount of debts which the said corporation shall at any time owe, whether by bond, note or other contract, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank; and in case of such excess, the directors under whose administration it shall happen, shall be liable for the same in their separate and private capacities; but this shall not be construed to exempt the said corporation, or any estate real or personal which they may hold as a corporate body, from being also liable for and chargeable with such excess; but such of the directors who have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be so liable.

Total debt
not to ex-
ceed three
times the
amount of
capital.

IX. *And be it further enacted*, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And further*, The said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever, or in buying or sell-

The cor-
poration
shall not
hold lands
unless [ne-
cessary for
their ac-
commoda-
tion.

Nor deal
or trade in
buying &
selling
goods, &c.

ing any stock created under any act of the United States or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Bills assign-
able.

X. *And be it further enacted*, That the bills, obligatory, and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be issued by order of said corporation, promising the payment to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner and with like force and effect as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

Monies
subscribed
may be
demanded

XI. *And be it further enacted*, That it shall be lawful for the directors for the time being to call and demand from the stockholders respectively all such sum of money as their respective shares shall amount to, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said company, always however giving sixty days previous notice of such call and demand in the newspaper to be published as aforesaid.

This act
not to be
forfeited
by any non
users.

XII. *And be it further enacted*, That this present act of incorporation shall in no wise be forfeited by any non-user whatsoever, at any time before the first Monday of April, one thousand eight hundred and fifteen, and that it shall on that day be lawful for the stockholders above mentioned to assemble for the purpose of carrying the same into effect, any want of notice in

the manner above prescribed to the contrary notwithstanding.

XIII. *And be it further enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of said bank as to them, or a majority of them, shall seem adviseable; and that every cashier and clerk, before he enters upon the duties of his office, shall give bond with two or more sureties, to be approved of by the directors for the time being, or a majority of them, in any sum not less than ten thousand dollars for such cashier and two thousand dollars for each clerk, conditioned for the faithful discharge of their several duties; and the said cashier and clerk shall also take and subscribe an oath to observe and perform all the duties which may be required of them by the directors from time to time.

Dividends
how to be
made.

XIV. *And be it further enacted*, That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

Rate of in-
terest.

XV. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the same be for the time herein before limited, construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned.

This is a
public act.

CHAP. LXXI.

An ACT to authorize Samuel Crafts to erect a Dam across the Susquehannah River.

Passed March 19, 1813.

I. **B**E it enacted by the people of the state of New York, represented in Senate and Assembly, That it shall and may be lawful for Samuel Crafts, his heirs and assigns, to build and maintain a rolling dam across the Susquehannah river, about seven miles from the outlet of Lake Otsego, not exceeding eight feet in height from the bottom of the river.

II. *And be it further enacted*, That the said Samuel Crafts, his heirs or assigns, shall make and keep in good repair, a good, sufficient and convenient lock through said dam, for boats to pass up and down the said river

into and out of Lake Otsego, the said lock to be made and completed at such time and in such manner as shall be ordered and directed by the court of common pleas of the county of Otsego, and when so completed, the said lock shall be free for all boats to pass up and down the said river through the same without any charge or toll therefor, any law, usage or custom to the contrary notwithstanding: *Provided always*, That nothing in this act shall be so construed as to authorize the said Samuel Crafts, or his heirs or assigns, to obstruct the stream of the said river so as to cover any land with water, unless the consent of the owner or owners of such land is first had and obtained in writing: *And provided further*, That this act shall be and remain in force for the term of twenty-four years and no longer.

CHAP. LXXII.

An ACT for laying out and making a road in the County of Cattaraugus.

Passed March 20, 1813.

I. **B**E it enacted by the people of the state of New-York represented in Senate and Assembly, That Christopher Hurlbut of the county of Steuben, Moses Van Campen of the county of Allegany, and Jedediah Strong of the county of Cattaraugus, be and are hereby appointed commissioners for the purpose of laying out and making a road from the boundary line between the states of New-York and Pennsylvania, to commence at the termination in said line of the Pennsylvania road from Pine Creek, and to extend thence to the village of Hamilton, in the county of Cattaraugus, thence to the outlet of the Chataugue Lake at or near the intersection thereof by the said boundary line; and the superintendant of the Onondaga salt works is hereby required to pay to the said commissioners or their order, the sum of six thousand dollars out of any public money that may be in his hands as superintendant of the Onondaga salt works, and the receipt of the said commissioners shall be his voucher therefor: *Provided however*, That previous to paying said money, said commissioners shall give to the comptroller of this

Commis's
to lay out
the road.

Its route.

state sufficient security that they will faithfully expend and account for said money, and the certificate of said comptroller shall be considered by said superintendant as proof that said commissioners have complied with the requisites of this act.

II. *And be it further enacted*, That each of the commissioners appointed by this act shall be entitled to two dollars and fifty cents per day for each day they may be respectively employed in the discharge of the duties imposed upon them by this act; and if one of them shall act as surveyor, he shall be entitled to fifty cents per day in addition, to be paid out of the aforesaid money. Their compensation.

III. *And be it further enacted*, That the said commissioners shall cause to be made and filed in the clerk's office of the county of Allegany, an accurate map of the said road, with the courses and distances thereof, Map of the road to be filed. said map to be signed by said commissioners.

IV. *And be it further enacted*, That if one of the above named commissioners do not serve, Tarball Whitney, of the county of Allegany, is hereby appointed in his place.

CHAP. LXXIII.

An ACT in addition to an act entitled "an act to divide the town of Bloomfield, in the county of Ontario, into three towns," passed the 26th of May, 1812.

Passed March 20, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the annual town-meetings in the town of Bloomfield, aforesaid shall hereafter be held at the now dwelling-house of Asher Saxton, in said town, or in some of his buildings, near his said house, any law to the contrary notwithstanding.

CHAP. LXXIV.

An ACT to incorporate the Middleburgh Bridge Company.

Passed March 20, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That W. C. Bouck and others incorporated. William C. Bouck, John Gebhard, Peter Swart, jun. ed.

Peter Shafer, jun. and Thomas P. Danforth, and their present and future associates, their successors and as
Their style, &c. signs, be and are hereby made and created a body corporate and politic, by the name of "the president and directors of the Middleburgh bridge company," for the purpose of building a bridge across the Schoharie creek, in the town of Middleburgh, at the place where the present bridge now stands, on the Schoharie turnpike road, and they are hereby ordained, constituted and declared to be for the term of twenty-five years, a body politic and corporate, in fact and in name, and by that name they and their successors shall and may hereafter have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be ~~in~~ capable of purchasing, holding and conveying ~~an~~ estate, real and personal, for the use of the said corporation: *Provided* the real estate so to be holden shall be such only as shall be necessary to promote or attain the objects of this corporation.

Proviso.

**Commis's
and their
duties.**

II. And be it further enacted, That William Bouck and Thomas P. Danforth, be and are hereby
 appointed commissioners to do and perform the several duties hereafter mentioned: they shall on or before the first Monday in May next, procure two books as in each of them enter as follows: We whose names are hereunto subscribed, do for ourselves and legal representatives respectively, promise to pay the president, directors and company of the Middleburgh bridge company, the sum of twenty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company; one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the

same open for the purpose of receiving subscriptions, and every subscriber shall at the time of subscribing pay unto either of the said commissioners the sum of two dollars for each share so subscribed, and the said commissioners shall as soon as one hundred shares shall have been subscribed, cause advertisements to be affixed up in a conspicuous place in the bar-room of at least three of the most public Inns in the town of Middleburgh, giving at least ten days notice of the time and place that the said subscribers shall meet for the purpose of choosing five directors who shall be stockholders, for the purpose of managing the concerns of said company for one year, and the day of choosing their directors shall forever thereafter be the anniversary day for choosing directors, and the majority of the said directors shall be a quorum, and be capable of transacting the business of said corporation, and every act of a majority of said directors so met shall be binding on said corporation; and the said directors elected by the plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for a president, and the said president and directors may meet from time to time at such time and place as they may find expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the affairs of said corporation.

III. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the said stock of the said corporation until there shall be four hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation.

Subscriptions how to be received.

IV. *And be it further enacted,* That the number of shares or subscriptions constituting the stock or funds of the said corporation shall not exceed four hundred shares, and that the amount to be paid for each share or subscription shall be twenty dollars, and that each

Number of shares.

stockholder shall be entitled to one vote for each share to the number of ten, and one vote for every additional five shares which he or she shall have or hold in his or her name.

Penalty for erecting a bridge or setting up a ferry near said bridge.

V. *And be it further enacted*, That it shall not be lawful for any person or persons to erect any bridge or establish any ferry or ferries across the said river at any place within one half mile up and one mile down the said river from the said place where the bridge aforesaid shall be erected and built by the said company, neither shall it be lawful for any person or persons to cross the said river after the said bridge is completed within the distance above mentioned, without paying to the corporation for their use the toll established by law, but it shall and may be lawful for any person or persons to pass and repass with their own boat.

Bridge to be 22 feet wide.

VII. *And be it further enacted*, That the said bridge shall be at least twenty-two feet wide, and shall be covered with plank not less than three inches thick, the sides of the bridge to be secured with good and substantial railings not less than four feet high.

Company dissolved if the bridge is impassable for 2 years.

VII. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed within two years after the one shall be carried away, or become impassable, which stands now on the Schoharie turnpike road, then and in that case the corporation created by this act shall be adjudged and considered as dissolved: *Provided* if the said bridge so erected by said company shall be carried away by the ice, or otherwise destroyed, and be not rebuilt in two years after such bridge shall be so carried away by the ice or otherwise destroyed, that in such case the said corporation shall become dissolved.

Rates of toll.

VIII. *And be it further enacted*, That as soon as the said bridge shall be completed, and the judges of the court of common pleas of the county of Schoharie, or any three of them not interested therein, shall upon inspection certify under their hands that the said bridge is well and sufficiently completed and built conformable to this act, and will admit the passage of teams of burden, it shall and may be lawful for the said president

and directors to erect a gate at the end of said bridge, and demand and take for the use of said corporation a toll not exceeding the following rates, to wit: for every four wheeled pleasure carriage hung on springs drawn by two horses, twenty-five cents, and every additional horse, three cents; every two wheeled pleasure carriage drawn by one horse, twelve and an half cents, every additional horse, three cents; every waggon and two horses, twelve and an half cents, and for every additional horse, three cents; every sled or sleigh drawn by two horses, six cents; every one horse sleigh drawn by one horse, four cents; every ox cart drawn by two oxen, twelve and an half cents; every additional yoke of oxen, six cents; every one horse cart, six cents; every ox sled drawn by one yoke of oxen, six cents; every additional yoke of oxen, three cents; every man and horse, three cents; every led horse, two cents; every horse, jack, or mule, two cents; every cow or other neat cattle, one cent; every hog, sheep or calf, one half cent: and it shall be lawful for the toll gatherer to stop every person with their teams, horses, cattle, sheep, hogs, and any thing which is liable to toll, until they shall have respectively paid the toll herein allowed to be collected by this act: *Provided nevertheless*, That all persons going to or returning from public worship, going to or from any grist-mill for the purpose of getting grain ground for their own family's use, going to or from a burial, going to or from their ordinary business on their farms, fetching a physician, and all persons going to or from trainings who are liable to do and perform military duty, which passes or repasses with their own horse or carriage, and all persons drawing firewood for their own family use, shall be exempt from any toll.

Proviso.

IX. *And be it further enacted*, That if any person or persons shall wilfully or maliciously do or cause to be done any act whatsoever whereby the said bridge, or any thing appertaining to the same, shall be impaired, weakened or injured, the said person or persons so offending shall forfeit and pay to the said company treble the amount of damages sustained by means of such offence or injury, to be recovered by said corporation,

*Penalty for
injuring
the bridge*

with costs of suit, in an action of trespass, in the name of the treasurer of said company, to their use, in any court having cognizance of the same, which action shall in every instance be considered as transitory in its nature.

Penalty for
passing
the gate
without
paying toll.

X. *And be it further enacted*, That if any person or persons shall forcibly pass said gate to be erected at said bridge, or pass the stream within the distance heretofore specified in the fifth section of this act, or shall cause his, her or their horse carriage, waggon, sleigh, sled, cattle, or any thing appertaining to them which is liable to toll by virtue of this act to pass the same without having paid the said toll for passing said bridge, such person or persons shall forfeit and pay a sum not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of the said corporation, or in his name, to their use in an action of trespass, which action shall in every case be considered as transitory in its nature.

A list of
the rates
of toll to
be set over
the gate.

XI. *And be it further enacted*, That it shall be the duty of the said corporation to cause to be affixed in a conspicuous place over the said gate a printed list of the rates of toll, and in default thereof to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same in his own name.

Penalty for
detaining
passen-
gers.

XII. *And be it further enacted*, That if any toll gatherer shall unreasonably delay or hinder any traveller of passing the said gate, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be sued for and recovered before any justice of the peace of the county wherein such offence shall have been committed, for the use of the person or persons so unlawfully delayed, hindered or defrauded.

This is a
public act.

XIII. *And be it further enacted*, That this act be and hereby is declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose herein mentioned.

Company
responsi-
ble for pen-
alties in-
curred by
toll-gath-
ers.

XIV. *And be it further enacted*, That in all cases where the toll-gatherer shall be convicted of any of the said offences, and that it shall appear by the return of the execution on such conviction that the money, or

any part thereof, cannot be obtained from the defendant, the said president and directors shall be liable for the payment of the same; and until the said president and directors shall make such payment, they shall not be allowed to demand or receive any toll for passing the said bridge, but shall keep the gate open.

XV. *And be it further enacted*, That it shall not be lawful for any person or persons to ride or drive over said bridge faster than on a walk, with his, her or their horse or team; nor shall it be lawful for any driver to drive more than twenty head of cattle on said bridge at a time, on penalty of forfeiting for every such offence not less than one dollar, to be recovered in the name of the treasurer for the use of said corporation.

Penalty for driving across the bridge faster than on a walk.

CHAP. LXXV.

An ACT in addition to the act entitled "An act to incorporate the Stockholders of the City Bank of New-York."
Passed March 20, 1813.

WHEREAS the president, directors and company of the City Bank of New-York have by their petition represented to the legislature, that by reason of the war and the consequent embarrassments to individuals, and to the commerce of the country, they have not been able to carry the said bank into useful and extensive operations, and praying that the said bank may be relieved from the payment of the several sums of money directed to be paid to the state by the third section of their act of incorporation: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That instead of the several sums directed by the said third section of the above mentioned act to be paid by the said corporation, the said corporation shall pay to the treasurer of this state, within thirty days from the passing of this act, the sum of fifty thousand dollars, to be applied for the use and encouragement of common schools within this state; and shall also loan to the people of this state, when by law required, a sum not exceeding five hundred thousand dollars, at a rate of interest not exceeding six per cent per annum, the said interest to be paid annually, and the principal sum which may be so borrowed, to be repaid at such time or times, during

\$50,000 to be paid to the treasurer in 30 days.

\$500,000 to be loaned to the state.

the continuance of the said corporation, as shall be provided for by law; and that the said sum of fifty thousand dollars and loan last mentioned shall be received and taken in full of all payments in the said section specified.

II. *And be it further enacted*, That the said corporation shall, within sixty days from the passing of this act, under their corporate seal, signify to the comptroller of this state their acceptance of the terms of this act, otherwise this act shall cease and be of no effect.

Corporation to signify their acceptance in 60 days.

CHAP. LXXVI.

An ACT relative to the Bank of America.

Passed March 20, 1813.

WHEREAS the president, directors and company of the Bank of America have represented that they have been unable to complete their capital stock of six millions of dollars, and that less than two millions of dollars are now actually subscribed; and from unforeseen circumstances, it has become impossible to make the payments and loans specified in the twelfth and thirteenth sections of the act entitled "*An act to incorporate the stockholders of the Bank of America:*" Therefore,

Preamble.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That instead of the several sums directed by the said twelfth and thirteenth sections of the above mentioned act, to be paid and loaned by the said corporation, the said corporation shall pay to the treasurer of this state, within thirty days from the passing of this act, the sum of one hundred thousand dollars, to be applied for the use and encouragement of common schools within this state; and shall also loan to the people of this state, when by law required, a sum not exceeding one million of dollars, at a rate of interest not exceeding six per cent. per annum, the said interest to be paid annually, and the principal sum which may be so borrowed, to be repaid at such time or times during the continuance of the said corporation, as shall be provided for by law; and that the said sum of one hundred thousand dollars, and loan last mentioned, shall be received and taken

\$100,000 to be paid to the treasurer in 30 days.

\$1000 000 to be loaned to the state.

in full of all payments and loans in the said sections specified.

II. *And be it further enacted*, That the capital stock of said bank is hereby reduced to four millions of dollars; and that subscription books, of one hundred dollars a share to the said capital of the said corporation now remaining unsubscribed, may be opened in the city of New-York, under the direction of the president and directors of the said bank, from time to time, and at such time or times as may be prescribed by the president and directors, and until the whole of the said capital stock shall be subscribed, the said president and directors giving at least ten days notice in two of the newspapers printed in the city of New-York, of the place and of the time or times respectively of opening the said books.

Capital
stock re-
duced to
\$4000000

III. *And be it further enacted*, That it shall be lawful for the said corporation to take upon all loans by them to be made for more than sixty days, besides days of grace, (except the loan herein provided to this state) interest at and after the rate of seven per centum per annum, any thing in the act above mentioned to the contrary notwithstanding.

For loans
longer
than 60
days, 7 per
cent interest
may be
demanded

IV. *And be it further enacted*, That the said corporation shall, within sixty days from the passing of this act, under their corporate seal, signify to the comptroller of this state their acceptance of the terms of this act, otherwise this act shall cease and be of no effect.

Notice of
their ac-
ceptance
to be giv-
en within
60 days.

CHAP. LXXVII.

An ACT to incorporate the Jericho Turnpike Company..

Passed March 20, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Lewis S. Hewlett, Valentine Hicks, Major William Jones, Devine Hewlett, Abraham Van Wyck, Samuel Jones, junior, James Poole, Jonah Willets, Lawrence Denton, and all such others as shall associate with them to make a good and sufficient turnpike road to begin at the eastern line of the town of Oyster-Bay, near the

L.S. Hew-
lett & oth-
ers incor-
porated.

house of Obadiah Valentine, in Queens county, running from thence, on or near the road to the new school house in Eastwoods, from thence nearly a strait line through land belonging to John I. Hewlett and others, to near the house of Townsend Jackson, from thence on or near the road by the houses of William Jones, Fry Willis and Edmund Willis, to the village of Jericho, from thence on or near the post-road westwardly to the house of James Poole, from thence on or near the same road until it intersects the Hempstead turnpike road at Bennets Woods, in the township of Jamaica, shall be and are hereby created a body corporate and politic, in fact and in name, by the name and style of "the president, directors and company of the Jericho turnpike road," and by that name they and their successors shall have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and by the same name and style shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate so to be purchased and held shall be necessary to fulfil the objects of the said corporation, and to no other purpose whatsoever.

Their
style, &c.

II. *And be it further enacted*, That no part of the road to be made by virtue of this act shall be less than four rods wide, and that the bedding of said road shall not be less in breadth than thirty feet, except about sixty rods in length, through the village of Jericho, which distance on said road shall not be less than three rods in width, and that the bedding thereof on the same distance shall not be less than twenty-four feet, any thing contained in this act, or any law to the contrary notwithstanding.

Width of
the road.

III. *And be it further enacted*, That the capital stock of the said company shall consist of sixteen hundred shares of twenty-five dollars each, and that Lewis S. Hewlett, Valentine Hicks, William Jones, Devine

Stock.

Hewlett, Abraham Van Wyck, Samuel Jones, junior, James Poole, Jonah Willets and Lawrence Denton, shall be and are hereby appointed commissioners to receive subscriptions for the said stock in the manner directed in and by the act entitled "An act relative to turnpike companies," passed March 13, 1807.

IV. *And be it further enacted*, That if after the said sixteen hundred shares shall have been appropriated by the president and directors of the said company in making and completing of the said road and the gates and toll houses on the same, and the sum so appropriated shall be found inadequate to the aforesaid objects, then and in such case, it shall and may be lawful for the president and directors of the said company, in order to complete the said road, to increase the stock of the said company, and call upon the stockholders to pay a further sum to be appropriated in an equal ratio, not exceeding five dollars upon each and every share of the said stock. Stock may be increased.

V. *And be it further enacted*, That the before mentioned Lewis S. Hewlett, Valentine Hicks, William Jones, Devine Hewlett, Abraham Van Wyck, Samuel Jones, junior, James Poole, Jonah Willets and Lawrence Denton, shall be and hereby are appointed commissioners to lay out the road directed in and by this act, subject to the directions, regulations and restrictions in all respects as are prescribed and contained in and by the aforesaid act entitled "An act relative to turnpike companies," herein before referred to, and execute and perform all the duties, matters and things therein mentioned as fully as if the above named commissioners had been appointed in the manner directed in and by the act herein before referred to. Committee to lay it out.

VI. *And be it further enacted*, That the company hereby incorporated shall be entitled to exact and receive at each of the two gates, one of which shall not be within one mile of the house of Adonijah Underhill in the village of Jericho, and the other not within one mile of Bennet's woods, at the little plain in the township of Jamaica, to be erected on the said road from every person using the same, for any number of Rates of toll.

miles not exceeding ten in length of the said road the following sums of money, and so in proportion for any greater or less distance, that is to say : for every score of sheep or hogs, eight cents ; for every score of cattle, horses or mules, ten cents ; and so in proportion for a greater or less number ; for every horse or mule and rider, or led horse or mule, five cents ; for every chair, chaise, gig or sulkey drawn by one horse, ten cents, and for every additional horse, five cents ; for every coach, coachee, chariot, phaeton or curricule drawn by two horses, twenty-five cents, and for every additional horse, five cents ; for every cart, stage, waggon or other four wheeled carriage not before mentioned drawn by two horses, mules or oxen, eight cents, and for every additional horse, mule or ox, four cents ; for every cart, waggon, sleigh or sled drawn by one horse or mule, five cents ; for every sleigh or sled drawn by two horses, mules or oxen, six cents, and for every additional horse, mule or ox, three cents : *Provided always nevertheless,* That the president and directors of the said company may commute with any person or persons ~~for~~ the privilege of using the said road by the year or for any less time.

Penalty for
passing
gates with-
out paying
toll.

VII. *And be it further enacted,* That if any person shall pass either of the said gates on the said road without paying toll upon pretence of being exempted therefrom under the act before referred to, every person so offending, shall, for every such offence, forfeit and pay to the aforesaid company ten dollars, to be recovered in an action of debt by the treasurer of the said company in his own name, in any court having cognizance thereof ; and if any person claiming an abatement of toll, shall give false information to the collector of tolls of the distance he or she has travelled on the said road, every person so offending shall forfeit for each offence to the said company five dollars, to be recovered in an action of debt by the treasurer in his own name in any court having cognizance thereof.

Privileges
of the com-
pany.

VIII. *And be it further enacted,* That the company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and

granted in and by the before recited act, and shall be subject to all the conditions, provisions, restrictions and regulations contained in the same, saving and excepting where the same are contrary to the provisions of this act.

CHAP. LXXVIII.

An ACT relative to Incorporations and the Division of Counties.

Passed March 26, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That when any association shall be formed for any purpose whatever, after the first day of July next, shall be disposed to make application to the legislature for an act of incorporation, or any company or association already incorporated shall be disposed to make application for any alteration in the law so incorporating them, it shall be the duty of the persons so associated, or the directors or stockholders of such incorporation, or some of them, to signify such their intention by advertisement, to be inserted for at least six weeks successively immediately before such application, in one or more of the newspapers printed in the county where the objects of such association or incorporation is carried or intended to be carried into effect, (and also in the newspaper printed by the printer to this state) and if no newspaper be printed in such county, then in the newspaper or papers nearest to the same, and shall specify the objects of such incorporation, the amount of capital stock requisite to carry their objects into effect; and in case of an application for any alteration in any charter already granted, it shall be the duty of the stockholders or directors of such incorporation to state in such notice specifically the alteration so to be applied for; and that due proof shall be made of such notice having been published previous to leave being given to bring in any bill to comply with any such application.

II. *And be it further enacted*, That the like notice shall be published of any application to divide any county within this state, or to erect any new county out of parts of counties.

CHAP. LXXIX.

An ACT for the relief of Judgment and Mortgage Debtors to the People of this State.

Passed March 26, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the attorney-general, whenever any judgment in favor of the people of this state for any debt or damages, shall be satisfied or in any manner settled, pursuant to legislative provisions, to acknowledge satisfaction of record of such judgment.

II. *And be it further enacted,* That it shall be lawful for the comptroller whenever any mortgage given to the people of this state shall be satisfied or in any manner settled pursuant to legislative provisions, to execute a certificate to the mortgagor of such satisfaction or settlement, in order that the mortgage may be discharged of record; and that it shall be the duty of the secretary of this state and the clerk of the county in which any such mortgage shall be registered, to enter such certificate in like manner as is directed in cases of private mortgages.

III. *And be it further enacted,* That the entry of such certificate in the manner aforesaid, shall operate as a complete discharge of the mortgage therein mentioned; and that the person at whose request the entry shall be made, shall pay to the said secretary or clerk the sum of thirty-seven and an half cents.

CHAP. LXXX.

An ACT to incorporate the Stockholders of the Catskill Bank.

Passed March 26, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That all persons by virtue of this act becoming stockholders of said bank, be and they are hereby ordained, constituted and declared to be from time to time, until the last Tuesday of May, which will be in the year one thousand eight hundred and thirty-three, a body politic and corporate, in fact and in name, by the name of "the president, directors and company of the Cats-

Company
incorpor-
ated.

Their
style, &c.

kill bank," and by that name, they and their successors until the said last Tuesday of May, in the said year one thousand eight hundred and thirty-three, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors by the name of the president, directors and company of the Catskill bank, shall be in law capable of purchasing, holding and conveying any estate real and personal for the use of the said corporation.

II *And be it further enacted*, That a share in the said bank shall be fifty dollars, and the number of shares shall not exceed eight thousand; and that Ira Day, Thomas B. Cook, John C. Hogeboom, Ralph Barker, and Isaac Dubois are hereby appointed commissioners, any three of whom to constitute a board for the purpose of opening books on the first Monday of May next, at some proper place in the village of Catskill, and that the same be kept open for three days successively, in which the president, directors and company of the bank of Hudson, or any person or persons authorized to subscribe and hold two thousand shares in the said Catskill bank, and be permitted to pay fifty dollars on each share, or any less sum, at such time or times and in such proportion as they may deem proper; and all other persons inclining to associate for the purpose of establishing a bank in the said village, shall subscribe such number of shares as they respectively wish, depositing at the same time with the said commissioners the sum of two and an half per cent, on the amount of each share by them so subscribed, and the number of shares so subscribed, exclusive of those subscribed by or for the president, directors and company of the bank of Hudson, shall exceed six thousand, the said commissioners shall apportion the excess among the several subscribers, as they shall judge discreet and proper, and the said commissioners shall be

Stock.

the inspectors of the first election of directors, and shall certify under their hands the names of those duly elected, and deliver over to them or to their order the subscription book together with the deposit money on the stock so subscribed.

Affairs
how to be
managed.

Election
how to be
made.

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by thirteen directors, who shall hold their offices for one year, which directors shall be stockholders, nine of whom shall reside within the village of Catskill; and that the first election of directors shall be held in the village of Catskill, on the last Tuesday of May next, at the house now occupied by Terrence Donnelly, or at such other place as the majority of the stockholders there assembled shall appoint; and each succeeding election of directors shall be held thereafter on the last Tuesday of May in each year, at such time and place in the village of Catskill as a majority of the directors for the time being (who shall upon all occasions constitute a board for the transacting of business) shall appoint; notice whereof shall be given by the said directors in one or more newspapers printed in the village of Catskill at least thirty days previous to the day of holding such election, and the said election shall be held and made by such of the stockholders of said bank as shall attend for that purpose, either in person or by proxy, which proxies shall always be stockholders, and all election shall be by ballot, each share entitling its owner to a vote; and the thirteen persons who shall have the greatest number of votes, eligible as aforesaid, shall be directors; and if it should happen at any election that two or more persons have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed to ballot and by plurality of votes determine which of said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of thirteen; and the said directors chosen at such election, as soon as may be thereafter, shall proceed in like manner to elect by ballot one of their number to be their president.

President
how to be
chosen.

dent, and whenever any vacancy shall happen among the directors by death, resignation or other ways, such vacancy shall be filled for the remainder of the year in which it shall so happen, by such person or persons as the rest of the directors, or a majority of them, shall appoint.

IV. *And be it further enacted,* That in case it should any time happen that an election of directors should not take place on any day when pursuant to this act it ought to have been done, the said corporation shall not for that cause be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

V. *And be it further enacted,* That in case the said number of eight thousand shares shall not be subscribed on the books directed by this act to be opened by the commissioners aforesaid, subscriptions shall be kept open under the direction of the president and directors of said bank, at such times and places as they shall think proper, until the said number of shares be subscribed.

Books may be kept open until all the shares are subscribed

VI. *And be it further enacted,* That the directors for the time being, or a major part of them, shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and of all such other matters as appertain to the business of a bank, and shall have power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided,* That such bye-laws, rules and regulations be not repugnant to the constitution and laws of the United States nor of this state; and provided no bye-law shall be made prohibiting the directors from discounting notes as low as twenty-five dollars.

Directors may make bye-laws.

Bank to be
kept at
Catskill

VII. *And be it further enacted*, That the said bank shall be established and kept, and the business thereof at all times after the organization of the same, shall be transacted at such place within the said village of Catskill as the president and directors may deem proper.

Total debt
not to ex-
ceed three
times the
amount of
capital.

VIII. *And be it further enacted*, That the total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the specie then actually deposited in the said bank, shall not exceed three times the amount of the capital stock subscribed and actually paid into said bank, and in case of excess the directors under whose administration it shall happen, shall be liable for the same, in their separate and private capacities, but this shall not be construed to exempt the said corporation, or any estate real or personal which they may hold as a body corporate, from being also liable for and chargeable with such excess; but such of the directors who have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was contracted, shall not be so liable.

The cor-
poration
shall not
hold lands
unless ne-
cessary for
their ac-
commoda-
tion.

IX. *And be it further enacted*, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings or purchased at sales upon judgments which shall have been obtained for such debts: *And further*, the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever, or in buying or selling any stock created under any act of the United States or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Bills as-
signable.

X. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corpora-

tion which shall be made to any person or persons, shall be assignable by indorsement thereupon under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each or every assignee or assignees respectively; and to enable such assignee or assignees to bring or maintain an action thereupon in his, her, or their own name or names, and bills or notes which may be issued by order of the said corporation promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner and with the like force and effect as upon any private person or persons if issued by him, her or them, in his, her or their private and natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

XI. *And be it further enacted,* That it shall be lawful for the directors, for the time being, to call and demand from the stockholders respectively (excepting the shares held by or for the president, directors and company of the bank of Hudson) all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon to the said company; always, however giving thirty days previous notice of such call and demand in one of the newspapers to be published as aforesaid.

Monies
subscribed
may be
demanded

XII. *And be it further enacted,* That the present act of incorporation shall in no wise be forfeited by any non-user whatsoever at any time before the last Tuesday of May, which will be in the year one thousand eight hundred and fourteen, and that it shall on that day be lawful for the stockholders above mentioned to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

This act
not to be
forfeited
by any non
user.

Dividends
how to be
made.

XIII. *And be it further enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said bank as to them, or a majority of them shall seem adviseable, and that every cashier and clerk before he enters upon the duties of his office shall give bond with two or more securities to be approved by the directors for the time being, or a majority of them, in a sum not less than ten thousand dollars for such cashier, and two thousand dollars for such clerk, conditioned for the faithful discharge of their several duties.

Rate of in-
terest.

XIV. *And be it further enacted*, That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per cent. per annum.

President
and direc-
tors shall
not de-
mand pay.

XV. *And be it further enacted*, That it shall not be lawful for the president and directors of the said Catskill bank to ask, demand or receive any compensation for their services as directors.

The presi-
dent & di-
rectors of
the bank
of Hudson
may open
an office of
discount at
Coxsackie

XVI. *And be it further enacted*, That it shall be the duty of the said president, directors and company of the bank of Hudson, in case of subscribing as aforesaid, to withdraw their office of discount and deposit from the village of Catskill, and it shall be lawful for them to establish a like office of discount and deposit in the town of Coxsackie, with the same powers and under the same restrictions as are given and prescribed in the act authorizing the establishment of said office of discount and deposit in the village of Catskill aforesaid.

This is a
public act.

XVII. *And be it further enacted*, That this act be and it is hereby declared to be public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned.

CHAP. LXXXI.

An ACT for the relief of the Collectors of Taxes of the several Towns therein mentioned.

Passed March 26, 1813.

WHEREAS it is represented to the legislature that by reason of sickness, the collectors of

the towns of Sempronius and Owasco were severally unable to attend at the office of the treasurer of the county of Cayuga within the time prescribed by law, in order to complete their returns of the arrears of taxes for the present year, as required by the act entitled "An act for the assessment and collection of taxes," passed April 8th, 1801, and did accordingly take oath, as prescribed by the said act, before one of the magistrates of the said county: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall be the duty of the comptroller to accept of the said returns of the arrears of taxes from the treasurer of the said county of Cayuga, in the same manner as if the said collectors had taken the oath before the said treasurer, and the comptroller is hereby authorized and required to proceed in the collection of the said taxes as in ordinary cases.

Preamble.

Treasurer of Cayuga co. to pay arrears of taxes.

To settle with the collectors of Wolcott and Cato.

Treasurer of Washington to settle certain acc'ts.

II. *And be it further enacted,* That it shall and may be lawful for the treasurer of the said county of Cayuga, at any time before the first day of May next, to settle with the collectors of the towns of Wolcott and Cato, the taxes of the said towns for the year one thousand eight hundred and twelve, in the manner prescribed by the above recited act; and it shall be and hereby is made the duty of the said treasurer, within twenty days thereafter, to transmit to the comptroller the returns of the arrears of taxes for the said towns, and the comptroller is hereby authorized to accept of the same and to proceed in the collection of said taxes as in ordinary cases.

III. *And be it further enacted,* That the treasurer of the county of Washington shall be and he is hereby authorized and required to settle the accounts of the collector in the town of Thurman in the said county, for the year one thousand eight hundred and twelve, on or before the tenth day of May next, in the same manner as he might have done had the same been presented for settlement on the first day of February last, and shall within twenty days thereafter transmit the transcripts of unpaid taxes on non-residents to the comp-

troller, who is hereby required to receive and proceed to collect the same as the law directs.

Treasurer
of Genesee
to settle
certain ac-
counts.

IV. *And be it further enacted*, That the treasurer of the county of Genesee be and he is hereby authorized and required to settle the accounts of the collector of the town of Leicester, in the county of Genesee, for the year one thousand eight hundred and twelve, on or before the first day of July next, in the same manner as he might have done had the same been presented for settlement on the first day of February last, and shall within twenty days thereafter transmit the transcripts of unpaid taxes on non-residents to the comptroller, who is hereby required to receive and proceed to collect the same as the law directs.

CHAP. LXXXII.

An ACT for the relief of Abigail Green, Amasaiah Allen 1st, Amasaiah Allen 2d, and Jacob Lanton.

Passed March 26, 1813.

Preamble.

WHEREAS Stephen Allen, on the second day of August, one thousand eight hundred and three, became entitled as occupant to the pre-emption of lot number one hundred and twenty eight, in the town of Scipio, in the county of Cayuga, on the east side of the Cayuga lake, in the late Cayuga reservation, containing two hundred and fifty acres of land, at the price of five dollars and fifty cents per acre, payable by instalments according to the act entitled "An act for the sale of the unappropriated lands, and for other purposes," passed April 5, 1803, and before the tenth day of May, one thousand eight hundred and five, paid the whole consideration into the treasury but did not obtain letters patent for the said lot: And whereas on the twenty-second day of March, one thousand eight hundred and nine, the commissioners of the land-office sold the same lot by mistake to Jacob Mancius for the sum of thirteen hundred and seventy-five dollars, under the supposed authority of the "act for the disposal of the lands remaining the property of this state," in the late Indian reservation, passed February 28th, 1806, and on the twenty-eighth day of October, one thousand

eight hundred and eleven, letters patent were issued to the said Jacob Mancius for the same lot, and afterwards, to wit, on the fifth day of March, one thousand eight hundred and twelve, letters patent were likewise issued for the said lot to the said Stephen Allen, containing special recitals, and on the supposed ground that the former patent to the said Jacob Mancius was inoperative and void, but the supreme court having in January term last determined that the patent to the said Jacob Mancius was valid, and having given judgment in actions of ejectment instituted in that court for the recovery of the said lot in favor of the said Jacob Mancius against Abigail Green, Amaziah Allen 1st, Amaziah Allen 2d, and Jacob Lawton the occupants and purchasers of the said lot from the said Stephen Allen: Therefore,

I. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the commissioners of the land-office be, and they are hereby authorized to extinguish the claim of the said Jacob Mancius, his heirs and assigns, of, in and to the said lot, in such way and manner as they shall deem right and just, or according to the provision contained in the ninth section of the act "relative to the sale of lands belonging to the people of this state," passed March 15, 1811, and upon such extinguishment, to receive from the said Jacob Mancius, his heirs or assigns, a conveyance to the people of this state of all his and their claim to the said lot, which conveyance shall enure to the benefit of the said Abigail Green, Amaziah Allen 1st, Amaziah Allen 2d, and Jacob Lawton, their heirs and assigns.

II. *And be it further enacted,* That the comptroller shall audit and allow the reasonable costs and charges which the said Abigail Greene, Amaziah Allen 1st, Amaziah Allen 2d, and Jacob Lawton, or either of them, have sustained or been put to, by reason of the actions of ejectment instituted against them or either of them, as aforesaid, and such other reasonable sums of money as they or either of them, shall appear to be equitably entitled to, in relation to the said lot, or in

Claim of J.
Mancius
to be
extinguished

Comptrol-
ler to au-
dit certain
costs.

procuring the patent issued to the said Stephen Allen, and the comptroller shall draw his warrant on the treasurer for payment of the monies hereby directed to be so audited and allowed.

CHAP. LXXXIII.

An ACT for the relief of Archibald Burges.

Passed March 26, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to Archibald Burges in fee for two hundred acres of land, in a tract set apart for the use of the troops in the line of this state in the army of the United States, as a compensation for the services of the said Archibald Burges, rendered as a soldier in the line of this state during the revolutionary war.

CHAP. LXXXIV.

An ACT appointing Commissioners to lay out the Roads therein mentioned within the Counties of Ontario, Seneca, Cayuga and Onondaga.

Passed March 26, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Gilbert Howell of Ontario, Jonas Seely of Seneca, and Isaac Smith of Cayuga, be and they are hereby appointed commissioners to lay out the following roads; to wit: the first to begin at or near the sixty-one mile post at the north end of the Seneca lake, in the line between the counties of Ontario and Seneca, or as near the line as the ground will admit, to the bridge over the Canandagua outlet, near the house of Henry Cruger, in the town of Galen, thence on the nearest and most eligible route to the south end of Great Sodus Bay; the other of which to begin at the village of Oswego, and running a southwesterly course through the towns of Hannibal, Sterling and Wolcott, so as to intersect the roading from Great Sodus Bay to the blockhouse in the town of Galen at the bridge over the Canandagua outlet, and cause the survey and map of the same to

be lodged with the clerks of the several counties thro' which the same shall be laid out, and that the same when so laid out shall be deemed and considered as public highways, and shall be opened and kept in repair by the inhabitants of the several towns through which the same shall pass.

II. *And be it further enacted*, That each of the said commissioners shall be allowed for his services as aforesaid two dollars per day, for each and every day he shall be employed in the same; and it shall be the duty of the respective boards of supervisors of the several counties through which the said roads shall be laid out, to make provision for such compensation as soon as may be after the performance of the service hereby required.

CHAP. LXXXV.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Whitesborough, and for other purposes. Passed March 26, 1813.

I. **B**E it enacted by the people of the state of New York, represented in Senate and Assembly, That the district of country comprehended within the following bounds, to wit: beginning on the south bank of the Mohawk river, at the mouth of the Sadaqueda creek, thence running southerly on the west line of Cosby's manor to a point opposite the southerly line of the lot on which stands the Oneida cotton factory, thence northwesterly along said line and to the southeast corner of the house lot of Arthur Breese, from thence northerly to the intersection of the road leading from the house of Jesse Dodge to the old Genesee road, from thence northerly until the line strikes a point on the west side of the main road leading from Whitesborough to Rome, where the west line of the Sadaqueda patent intersects said road, thence northerly on the line of said patent to the Mohawk river, thence down said river to the place of beginning, shall continue to be known and distinguished by the name of the village of Whitesborough; and the freeholders and inhabitants residing within said village, qualified to vote at town-meetings, may on the second Tuesday in May next, meet at some proper place

Bounds of
the village

Privileges
of the in-
habitants.

in said village, to be notified to the inhabitants of said village at least one week previous to said second Tuesday in May by any justice of the peace of the county of Oneida, and then and there proceed to elect by ballot five freeholders, resident within the said village, to be trustees thereof, and such justice shall preside at said meeting and declare the five persons having the greatest number of votes as duly elected trustees, and on every second Tuesday of May after the said first election of trustees, there shall in like manner be a new election of trustees for the said village, and the trustees of the said village for the time being, shall preside at such elections and notify the meetings of the inhabitants for that purpose in the same manner as said justice is authorized to notify and preside at said first meeting.

Style and
powers of
the trustees.

II. *And be it further enacted*, That the freeholders and inhabitants residing in the aforesaid village, are hereby constituted and declared to be a body politic and corporate by the name of the "trustees of the village of Whitesborough," and by that name they and their successors shall have perpetual succession, and be persons in law capable of suing and being sued, and of defending and being defended in all courts and places whatever, in all manner of actions and causes, and may have a common seal and alter the same at pleasure, and shall be capable of purchasing, holding and conveying any estate real or personal, for the use of said village, and of erecting any public buildings for the use of said village, and of raising money by tax, not exceeding three hundred dollars in one year, for purchasing of land, for erecting and repairing public buildings, for purchasing and keeping in repair fire-engines, ladders, buckets and other utensils for the extinguishing of fires, and for erecting markets and hay scales, and for making any other necessary improvements in said village: *Provided*, That no tax shall be laid, levied or collected, and no purchase or sale of any real estate shall be made, and no public building erected or disposed of without the consent of the major part of the freeholders and inhabitants of said village attending at their annual meeting for the election of trustees first obtained.

Proviso.

III. *And be it further enacted,* That it shall be lawful for the trustees of said village, or the major part of them, to make and publish such prudential bye-laws, rules and regulations, not inconsistent with the laws of this state or the United States, as they shall think proper, relating to the prevention or extinguishing of fires, to the protection and preservation of the sidewalks on the highways and streets of said village, to preventing of nuisances and horse racing in said village, to the erection and regulation of markets and hay-scales, and to the prevention of the running at large in said village of horses and swine.

Trustees
may make
bye-laws.

IV. *And be it further enacted,* That the said trustees, or the major part of them, may make, ordain and impose such fines for the breach of their bye-laws, rules and ordinances as they shall think proper, not exceeding twenty-five dollars for any one offence, to be recovered before any justice of the peace or court having cognizance thereof, for the use of said corporation.

Penalty for
violating
them.

V. *And be it further enacted,* That the freeholders and inhabitants of said village shall at their annual meeting in every year hereafter, choose one collector and one treasurer, being freeholders of said village; and in case a vacancy shall happen in either of said offices during any year, it shall be the duty of the trustees, or a major part of them, within ten days thereafter, to appoint some suitable person to fill such vacancy, and the person to be so appointed shall be vested with like powers and be subject to the same restrictions and penalties, as if elected by the freeholders and inhabitants of said village.

Treasurer
& collector
to be chosen.

VI. *And be it further enacted,* That the said trustees, treasurer and collector, shall within ten days after their election, and before they proceed to execute their several offices, respectively take and subscribe an oath or affirmation before any justice of the peace of the county of Oneida, for the faithful execution of the office to which they may severally be elected.

They shall
take an
oath,

VII. *And be it further enacted,* That the treasurer and collector to be annually elected shall, before they enter on the execution of their offices respectively

And give
security.

give such security for the faithful performance of trusts reposed in them, as the major part of the trustees for the time being shall deem sufficient.

Penalty for
not serv-
ing when
elected.

VIII. *And be it further enacted*, That if any one of the inhabitants of said village, qualified as aforesaid shall be elected or chosen a trustee, and having notice of his said election, shall refuse or neglect to take upon him said office, it shall be lawful for the trustees who do accept said office to impose, at their discretion, a fine on any person so neglecting or refusing, not exceeding twenty-five dollars, to be recovered in the same manner as other fines and penalties are to be recovered by virtue of this act, and to the use of said village, and that in all cases where any fine or penalty is imposed by virtue of this act, the same shall be recovered by an action in the name of the corporation, before any proper court; and it shall be sufficient for the trustees in any such action to declare, that the defendant is indebted to the said trustees by virtue of this act, and to give the special matter in evidence.

Firemen
may be ap-
pointed.

IX. *And be it further enacted*, That it shall be lawful for the trustees of said village, or the major part of them, to appoint not exceeding twenty-five firemen and the same or any one of them, to remove at their pleasure, and appoint others in their stead.

Assess-
ments may
be made.

X. *And be it further enacted*, That it shall be the duty of the said trustees annually to assess on the several inhabitants of the said village, the amount of the taxes which the freeholders and inhabitants of the said village shall at their annual meeting determine to be raised and collected, in proportion to the advantages which the said trustees shall deem to result to each such inhabitant from the said taxes: *Provided*, That if any person shall conceive him or herself aggrieved by any such assessment, it shall be lawful for such person to appeal from the determination of said trustees to any three justices of the peace in the county of Oneida, giving notice to the said trustees of such appeal, and of the time and place of determining the same, and the determination of said justices shall be final in the premises.

XI. *And be it further enacted*, That the said trustees within ten days after their election, or the major part of them, shall meet and appoint one of their body to be president, and some suitable person to be clerk of said village; and it shall be the duty of the president to appoint the meetings of the trustees and preside thereat, to receive complaints of the breach of any of the bye-laws, to see that all the bye-laws are faithfully executed, and to prosecute in the name of the trustees all offenders against such bye-laws, and with the consent of the trustees to appoint under his hand and the seal of said village the firemen of said village, and to see to the preservation of the public property of said village; and in case of the death or absence of the president, his place shall be supplied in such manner as the trustees shall determine; and it shall be the duty of the clerk to record all the votes, orders and regulations of the freeholders and inhabitants of said village, and to attend the meetings of the trustees, and to record the laws and orders of the trustees, and the trustees may remove their clerk and appoint another, and appoint a clerk pro tempore.

President
and clerk
to be ap-
pointed.

XII. *And be it further enacted*, That the collector of said village shall within such time as shall be provided for by the bye-laws of the corporation, after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer, and the collector shall have all the powers in collecting such tax by distress and sale as the collectors of towns have in the collection of taxes, and that all monies which may at any time be in the hands of the treasurer shall be liable to be drawn out by the trustees, or a majority of them, and applied agreeable to the laws of the corporation.

Collectors
duty.

XIII. *And be it further enacted*, That the act entitled "An act to vest certain powers in the inhabitants of the village of Whitehall landing," and the act to amend the same, passed 9th April, 1811, be and hereby are revived and in full force, and that it shall be lawful for the said inhabitants on the first Tuesday in May next to meet and elect the officers of the said

The act
relative to
the village
of White-
hall Land-
ing revived

corporation in the same manner as if they had held their elections according to the provisions of the act aforesaid.

CHAP. LXXXVI.

An ACT to authorize the Supervisors of the County of Onondaga to raise money by tax to build a fire-proof Clerk's Office in said County.

Passed March 26, 1813.

I. **B**E it enacted by the people of the state of New York, represented in Senate and Assembly, That the supervisors of the county of Onondaga are hereby authorized to levy a sum, not exceeding one thousand dollars, for the purpose of building a fire-proof clerk's office in said county, to be levied, collected and paid in the same manner as other contingent charges are levied, collected and paid.

II *And be it further enacted*, That it shall be the duty of the said supervisors to designate some proper place for the site of said office, and appoint three discreet freeholders of the county of Onondaga to superintend the building of said office, whose duty it shall be to superintend said building and render a just and true account to the board of supervisors of said county.

CHAP. LXXXVII.

An ACT to incorporate the Female Association of the City of New-York, and to amend the act relative to the Geneva Friendly Society.

Passed March 26, 1813.

WHEREAS by a petition presented to the legislature, it is represented that a number of young women, professing with the society of Friends, have formed an association in the city of New-York for the very humane, charitable and laudable purpose of visiting the poor sick, and instructing in school learning the children of such persons who are not provided for, and who do not belong to any religious society: Therefore,

Society
incorpor-
ated.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That all such persons of the female sex as now are or who shall here-

after become annual subscribers to the amount of five dollars to the said association, shall be and hereby are constituted a body corporate and politic, in fact and in name, by the name of "the Female Association of the city of New-York," and by that name shall have succession, and be in law capable of suing and being sued, defending and being defended in all courts and places, and in all manner of actions and causes whatsoever, and may have a common seal, and change the same at their pleasure, and by that name and style be capable in law of purchasing, holding and conveying any estate, real and personal: *Provided* such estate shall never exceed forty thousand dollars, nor be applied to any other purposes than those for which this corporation is formed.

Their
style, &c.

Proviso.

II. *Be it further enacted*, That the estate and concerns of the said corporation shall be managed, directed and disposed of by a board of trustees, to be composed of twelve members of the said association, to be elected by a plurality of ballots of the members resident in the city of New-York and present at such election, yearly on the first Monday of June, at such place as the board of trustees may from time to time appoint, and of which sufficient notice shall be given; and if any vacancy shall happen by death, resignation, or otherwise, the same shall be filled by the vote of the major part of the board of trustees for the time being; and until the election of trustees, the persons now considered acting in that capacity shall be the board of trustees.

12 trustees
to be appointed.

III. *And be it further enacted*, That the board of trustees shall at least once in every year exhibit to the members of said corporation who are desirous of examining the same, an exact account of the receipts and disbursements of the preceding year.

Accounts
to be exhibited
yearly.

IV. *And be it further enacted*, That the said board may from time to time make bye-laws, ordinances and resolutions relative to the management, disposition of the estate and concerns of the said corporation, and all such regulations as may appear to a majority of the said board necessary in order to carry into effect the interest and design of said association.

Bye-laws
may be made.

Duration of this act. *V. And be it further enacted,* That this act shall continue and be in force until the first day of January one thousand eight hundred and thirty-three.

This is a public act. *VI. And be it further enacted,* That this act be and is hereby declared a public act, and that the same be construed in all courts and places benignly and favorably for every humane, charitable and laudable purpose therein contained; any bequest, devise or donation to this corporation within the limits prescribed by this act shall be good and sufficient.

The society shall be allowed a share of the school fund. *VII. And be it further enacted,* That the corporation hereby created shall be allowed a share in the distribution of the school fund for the city and county of New-York, in the same proportion and manner as the free school society of New-York and the charity schools in the said city are entitled by the act in such case made and provided.

Powers of the Geneva friendly society extended. *VIII. And be it further enacted,* That it shall be lawful for the Geneva friendly society to appropriate such parts of their funds as they may deem proper for the relief of such of the members belonging to said society, or of the families of such members as may be reduced in their circumstances by fire, or other unavoidable accidents, any thing in the act incorporating the said society to the contrary notwithstanding.

CHAP. LXXXVIII.

An ACT for the relief of Birdsey Norton, Alpheus Richards, and the heirs of Samuel Richards, deceased.
 Passed March 26, 1813.

WHEREAS Elisha Beach, executor of the last will and testament of Birdsey Norton, late of Goshen, in the state of Connecticut, deceased, Heman Norton, administrator of the goods and chattels, rights and credits of Nathaniel Norton, late of the town of Bloomfield, in the county of Ontario, deceased, and Ebenezer F. Norton and Alpheus Richards, administrators of the goods and chattels, rights and credits of Samuel Richards, late of the town of Canandarqua, in the county aforesaid, deceased, have presented to the legislature their petition, setting forth that the said Na-

Nathaniel Norton, in his life time, was seized of sundry parcels of real estate within this state in trust for the said Birdsey Norton, Samuel Richards and Nathaniel Norton, who were co-partners in trade, under the firm of Nortons and Richards, which co-partnership was dissolved by the death of the said Samuel Richards, and of sundry parcels of real estate, situate as aforesaid, in trust for the said Birdsey Norton, Nathaniel Norton and Alpheus Richards, who were co-partners in trade under the firm of Nathaniel and Birdsey Norton, which co-partnership was dissolved by the death of the said Nathaniel Norton; that the said Nathaniel Norton died intestate, leaving two children and one infant grand child, his heirs at law, without having released to his aforesaid co-partners and the heirs of the said Samuel Richards their respective shares in the said real estate, and praying that the said Heman Norton may be authorized by law to execute deeds of conveyance of the aforesaid real estate to the surviving co-partner of the aforesaid firms, and to the heirs at law of the said Samuel Richards and Birdsey Norton, according to their respective rights therein: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the said Heman Norton to execute good and sufficient deeds of conveyance to the aforesaid Alpheus Richards, and the heirs at law of the said Samuel Richards and Birdsey Norton, deceased, thereby granting and conveying to them in severalty their respective proportions of the said real estate whereof the said Nathaniel Norton was seized in trust as aforesaid, according to their respective rights and interests as ascertained by the terms of the aforesaid co-partnerships, or to such person or persons as any of the said parties shall or may have appointed, and that upon the execution and delivery of the said deeds of conveyance, the same shall be as good and effectual in law and equity to pass to the respective grantees thereof the estates therein conveyed as if the same had been executed by the said Nathaniel Norton in his life time: *Provided,* That before the deed or deeds for the said

real estate shall be valid and effectual, the chancellor of this state shall indorse on such deed or deeds a certificate of his approbation of the form thereof.

CHAP. LXXXIX.

An ACT for the relief of the representatives of William Howe Cuyler, deceased.

Passed March 26, 1813.

WHEREAS Eleanor Cuyler, widow and relict of William Howe Cuyler, late of the town of Palmyra, in the county of Ontario, deceased, and Joseph Colt, Nathan Cumstock and Jacob W. Hallett, administrators on the estate of the said William Howe Cuyler, have by their joint petition to the legislature set forth, that the said William Howe Cuyler died seized of a considerable landed estate, leaving three minor children, the youngest not more than fourteen months old; that the said William Howe Cuyler in his life time had, by articles of agreement, contracted to sell and convey sundry tracts of land to certain individuals, therefore prayed that trustees be appointed to execute the conveyances pursuant to the said contracts.

I. *Be it enacted by the people of the state of New-York represented in Senate and Assembly,* That Noah Porter, Pardon Durfee and Darius Cumstock, of the said town of Palmyra, be and are hereby appointed trustees, with full power to them or any two of them to execute conveyances pursuant to contracts entered into by the said William Howe Cuyler, deceased, which conveyances shall be as good and effectual in the law as if the same had been executed by the said William Howe Cuyler in his life time: *Provided always,* That such conveyances shall not conclude the heirs of the said William Howe Cuyler deceased, unless the chancellor of this state shall endorse on the same respectively a certificate that he is satisfied with the form of such conveyances, and that they are made in pursuance of existing and valid contracts entered into by the said William Howe Cuyler in his life time.

II. *And be it further enacted,* That the said trustees before they enter upon the execution of their said trust

shall execute a bond to the infant children of the said deceased in such penalty and with such sureties as the chancellor shall direct, conditioned for the due and faithful execution of said trust.

III. *And be it further enacted*, That the monies which shall arise from the sale of such lands in virtue of this act shall be considered as assets in the hands of the said administrators for the payment of the debts of the said deceased.

CHAP. XC.

An ACT relative to the Sittings appointed to be held in the City of New-York on the first Monday of April, 1813.
Passed March 26, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That no sittings shall be held in the city and county of New-York prior to the next May term of the supreme court, any order of the said court for that purpose to the contrary notwithstanding.

CHAP. XCI.

An ACT to prevent Trespasses on Indian Lands within this State.

Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That if any person hereafter shall trespass on any land belonging to any Indian tribe within this state, by cutting timber thereon, such person shall forfeit and pay the sum of twenty-five dollars for every tree they shall cut, to be recovered with costs of suit in any court having cognizance thereof.

II. *And be it further enacted*, That it shall be the duty of the Indian agent to prosecute all persons offending against this act, and to pay over all monies to be recovered for trespasses committed in violation thereof, to the Indian tribe on whose land such trespasses shall be committed: *Provided however*, That nothing contained in this act shall be construed to prohibit the cutting of timber to improve or erect bridges on any road leading through such Indian lands.

CHAP. XCII.

An ACT to amend an act entitled " An act to incorporate the New-York Manufacturing Company."

Passed April 2, 1813.

WHEREAS the president and directors of the New-York manufacturing company have by their petition set forth that the directors named in the act hereby amended are to hold their offices no longer than until the first Tuesday of April, in the year of our Lord one thousand eight hundred and thirteen, and that no provision is made in said act for an election of directors until the first Tuesday of July thereafter; and whereas the prayer of the said petition appears reasonable,

Be it therefore enacted by the people of the state of New-York, represented in Senate and Assembly, That the present directors of the New-York manufacturing company shall hold their offices until the first Tuesday of July in the year of our Lord one thousand eight hundred and thirteen.

CHAP. XCIII.

An ACT relative to the Minutes of the Court of Chancery.

Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the chancellor shall be and is hereby authorized to cause such of the minutes of the court of chancery of this state as shall in his opinion require it, to be fairly transcribed into books to be provided for that purpose in such manner and under such regulations as to him shall appear proper for truly transcribing and effectually preserving the same, and that after such transcript shall have been duly compared with their originals and shall have been approved by the chancellor, the same shall be deemed to be and shall have like effect as if they were original minutes of the said court.

II. *And be it further enacted, That the like allowances for such transcribing shall be made as was allowed to the secretary of this state for transcribing certain records in his office, and shall with all incidental ex-*

pences relating thereto be directed to be paid by the chancellor out of any money of the people of this state in the said court arising from the interest of the general fund thereof.

CHAP. XCIV.

An ACT for the relief of Hannah Niles, administratrix and the heirs of John Niles, deceased.

Passed April 2, 1813.

WHEREAS Hannah Niles, widow and administratrix of the late reverend John Niles, hath by her petition to the legislature set forth that the said John Niles died intestate, and was seized of a certain house and out lots in the village of Bath and county of Steuben, and praying to be enabled to sell the rights of the minor heirs for the purpose of enabling her to raise and educate them, and to pay any debts which may be due and owing by the said John Niles in his life time; Therefore,

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the Reverend David Higgins, Elias Hopkins and Samuel L. Haight be and they are hereby appointed trustees, with full powers to them to grant, bargain and sell the equal and undivided rights of the minor heirs of the said John Niles, and that they may execute good and sufficient deeds and conveyances in the law for the same to the purchasers thereof.

II. And be it further enacted, That the said trustees shall appropriate the monies so arising from the sales of the said property to the discharging of the debts of the said John Niles, if any shall exist after they shall have been certified by the chancellor of this state as due from the estate of the said John Niles, and the remainder of the monies arising from the sale of the said house and out lots, after all reasonable charges are paid, shall be by the said trustees applied towards the raising and educating the said children.

III. And be it further enacted, That the said trustees before they enter upon the execution of the said trust, shall execute a bond to the said heirs, with two sureties

to be approved by the surrogate of the county of Steuben, in such sum as the said surrogate shall direct, conditioned for the due and faithful performance of said trust, which bond shall be filed in the office of the surrogate for the use of the said heirs.

IV. *And be it further enacted*, That in case the said trustees, or any of them, refuse to act, or die before the execution of said trust shall be completed, then it shall be lawful for the chancellor of this state to appoint and fill such vacancy or vacancies by appointment under his hand, who shall in all respects conform to the directions of this act.

CHAP. XCV.

An ACT to improve the Road from the Town of Warrensburgh, in the County of Warren, to the Town of Chesterfield, in the County of Essex.

Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New York, represented in Senate and Assembly, That James Starbuck and Israel Johnson be and they are hereby appointed commissioners for opening and improving the road from William Hough's, in the town of Warrensburgh, in the county of Warren, to Chesterfield, in the county of Essex; and in case either the said commissioners shall die, neglect or refuse to perform the duties for which they are appointed, it shall be lawful for the person administering the government of this state for the time being to appoint a suitable person or persons, as the case may be, to perform such duties, who shall have the like powers as are hereby given to the said James Starbuck and Israel Johnson.

II. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, out of the monies which shall be received into the treasury for James Caldwell, the sum of five thousand dollars to the commissioners appointed in pursuance of this act.

III. *And be it further enacted*, That the commissioners appointed or to be appointed in pursuance of this act, shall execute a bond to the people of this state

with two or more sufficient sureties, in the penal sum of ten thousand dollars, conditioned to render a true and faithful account of all monies to be received by such commissioners in pursuance of this act; and the said commissioners shall be entitled to two dollars per day for each day they shall be necessarily employed in opening and making said road.

CHAP. XCVI.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Sing Sing, in the County of Westchester. Passed April 2, 1813.

WHEREAS it hath been represented to the legislature by the freeholders and inhabitants of the village of Sing Sing, in the county of Westchester, that the existing laws are very inadequate to answer the end of enabling them to regulate their interior police: Therefore,

Preamble.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the district of country in the town of Mount-Pleasant, contained within the following limits, that is to say: beginning at the Hudson river where a run of water, between Daniel Delavan and Albert Orser, empties into the said Hudson river, north of Sing Sing, from thence eastwardly on a straight line to the house occupied by Charles Yeo, and including the said house, thence southwardly on a straight line until it intersects the Highland turnpike road on the south line of Samuel Rhodie's land, from thence westwardly on the south line of William Street's land to the Hudson river, and thence northwardly along the said river to the place of beginning, shall hereafter be known and distinguished by the name of "the village of Sing Sing," and the freeholders and inhabitants who are qualified to vote at town meetings, who may from time to time reside within the said limits, may on the first Tuesday of May next meet at some proper place to be appointed by any justice or justices of the peace within the said village, and notify to the inhabitants thereof at least one week previous to the said first Tuesday of May, and

Bounds of the village

7 trustees then and there proceed to elect seven discreet freeholders, resident within the said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights hereinafter specified; and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes as duly chosen trustees; and on every first Tuesday of May after the first election of the trustees there shall in like manner be a new election of trustees for the said village, and the trustees for the time being shall perform the several duties required from the said justice or justices in respect of notifying the freeholders and inhabitants of the village, and presiding at such election.

Style and
power of
the trustees.

II. *And be it further enacted*, That all the freeholders and inhabitants residing within the aforesaid limits be and they are hereby ordained, constituted and declared to be from time to time and forever hereafter, one body politic and corporate, in fact and in name, by the name of "the trustees of the village of Sing Sing," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said village, and of erecting public buildings, such as fire-engine house or houses, and market-house or houses, of raising money by tax for erecting those public buildings, or making any other necessary repairs or improvements, which money so to be raised shall be assessed upon the freeholders and inhabitants of the said village according to law, by not less than three nor more than five judicious assessors who shall be freeholders of the said village, to be by the freeholders and inhabitants of the said village, qualified to vote at town meetings, chosen at

their annual meetings, collected by the collector of the corporation in like manner as taxes of towns and counties are collected by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, That no tax shall be levied or monies raised, assessed or collected for erecting such public buildings, or making any other necessary repairs or improvements, no purchase of any real estate, no public buildings to be erected or disposed of without the consent of the freeholders and the legal voters of the said village, or the major part thereof, in open meeting duly notified therein, assented to and voted. Proviso.

III. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village, or the major part of them, by this act to be chosen, and for their successors in office forever, from and after the first Tuesday of May next, to make, ordain, constitute and publish such prudential bye-laws, rules and regulations as they from time to time shall deem meet and proper, and such in particular as are relative to the streets and highways of the said village, and keeping in order and improving the same, relative to slaughter-houses and nuisances generally, relative to public markets, relative to the number of inns and taverns to be licenced in the said village, relative to the restraining of geese, swine and cattle of every kind, relative to the inspection of weights and measures, relative to erecting and regulating hay-scales, and relative to any thing whatsoever that may concern the public and good government of the said village; but no such bye-laws shall extend to the regulating and ascertaining the prices of any commodities or any articles of provisions (excepting the article of bread) that may be offered for sale: *Provided always*, That such bye-laws be not contrary to or inconsistent with the laws and statutes of this state or of the United States. Bye-laws may be made. Proviso.

IV. *And be it further enacted*, That the trustees, or a major part of them, as often as they shall make, ordain and publish any such bye-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws as they may think proper, the same not exceeding fifteen dollars for Penalty for a breach of the bye-laws.

any one offence, to be prosecuted and recovered before any justices of the peace or court having cognizance thereof, with costs of suit, by the trustees, to and for the use of the said corporation.

Price of
bread to be
regulated.

V. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village of Sing Sing, or the major part of them, and their successors, at any time after the first Tuesday of May next, to make, ordain, constitute and publish a bye-law prohibiting any baker or other person within the aforesaid limits, from selling any bread at any higher price or rate than bread of the like quality at the time of such sale shall be assessed in and for the city of New-York by the corporation of the said city, under the penalty of one dollar for every offence, to be recovered by the said trustees before any justice of the peace residing in the said village or the county of Westchester, in an action of debt, with costs of suit, for the use of the said corporation.

Assessors
treasurer
and fire-
wardens
how cho-
sen.

VI. *And be it further enacted*, That the freeholders and inhabitants of the said village of Sing Sing, qualified to vote at town-meetings, at their annual town-meetings on the first Tuesday of May in every year hereafter to be held for choosing trustees, or at any other meeting duly notified, shall and they are hereby authorized and empowered to choose not less than three nor more than five judicious inhabitants, being freeholders, as assessors, one treasurer, being also a freeholder, one collector and as many fire wardens as the trustees for the time being, or a major part of them, may order and direct, and at every such election the person or persons having the greatest number of votes for such offices respectively shall be deemed to be duly chosen and in case a vacancy shall happen by the death, removal out of the said village, refusal or incapacity to serve of any of the assessors, the treasurer, collector or fire wardens, it shall be the duty of the trustees, or a major part of them, within ten days thereafter to appoint some suitable person to fill such vacancy, and the person so to be appointed shall be vested with like powers and subject to the same penalties and restrictions as if elected by the freeholders and inhabitants of the said village as above mentioned.

VII. *And be it further enacted*, That the said trustees, ^{They shall take an oath.} reasurer, collector, assessors and fire-wardens, shall within ten days after each and every election, and before they proceed to the exercise of their several offices respectively, take and subscribe an oath or affirmation before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed.

VIII. *And be it further enacted*, That the treasurer and collector hereafter to be elected shall before they enter upon the execution of their several offices, ^{Trustees and collector to give security.} respectively give such security for the faithful performance of the trusts reposed in them as the major part of the trustees for the time being shall deem sufficient.

IX. *And be it further enacted*, That if any of the inhabitants of the said village qualified as aforesaid shall hereafter be elected or appointed a trustee, or to the office of assessor or fire-warden, and having notice of the said election, shall refuse, deny, delay or neglect to take upon him or them to execute such trust or office to which he or they shall be elected, then and as often as it shall happen, it shall and may be lawful for the trustees, or a major part of them, to assess and impose upon every such person or persons so neglecting, delaying or refusing, such reasonable fine or fines as they the said trustees, or the major part of them, may think fit, so as such fine for each refusal, denial, delay or neglect shall not exceed the sum of fifteen dollars, all which said fines shall and may be recovered by an action of debt before any justice of the peace in the said county of Westchester, or court having cognizance of the same, to be prosecuted, recovered and received by the said trustees, with costs of suit, to and for the use of the said corporation; that in all cases when the trustees of the village of Sing Sing are authorized, empowered or required to sue or prosecute for any debts, penalties, fines or forfeitures by virtue of this act, it shall be deemed sufficient for the said trustees for the time being, in any suit or action to be brought for any such debts, penalties, fines or forfeitures, to declare

generally that the defendant or defendants is or are indebted to the trustees of the village of Sing Sing, the amount of such debt, penalty, fine or forfeiture by virtue of this act, to be paid to the said trustees at the time being when thereunto required, and under such declaration to give the special matter in evidence.

President
to be chosen.

His duty.

X. And be it further enacted, That the trustees, within ten days after their being elected in every year hereafter, or the major part of them, shall, and it is hereby made their duty, to assemble in some convenient place in the said village, and then to choose and appoint some one suitable person of their body to be president of the said board of trustees, whose duty shall be when present to preside at the meetings of the trustees, to order extraordinary meetings of trustees whenever he may find it for the interest of the village so to do, to receive complaints of the breach of any bye-laws, to see that all the bye-laws, rules and ordinances are faithfully executed, and prosecute in the name of the trustees all offenders against each bye-law, to receive and lay before the trustees the returns of the fire-wardens, to inspect the utensils belonging to the said village for extinguishing fires, and whose duty it shall be more particularly to see the engines and fire utensils, engine-houses, and all other public property belonging to the said village, suitably and properly taken care of and kept in order, and to do all such other acts and things as may be proper for him as president of the board of trustees to do; and in case of the death, absence or disability of the president to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided by the bye-laws of the said corporation.

Collectors
duty.

XI. And be it further enacted, That the collectors shall within such time as shall hereafter be provided for by the bye-laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer; and that all monies which may at any time be in the hands of the treasurer shall be liable to be drawn out by the trustees, or the major

part of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of the said village.

XII. *And be it further enacted*, That the said trustees shall keep a just and accurate account of their necessary expences and disbursements, and on exhibiting the same to the treasurer shall be entitled to receive the amount thereof out of any monies in the treasury; and that the treasurer, collector and assessors shall be paid for their several services such suitable compensation as the said trustees, or a major part of them, by a bye-law of the said corporation shall provide. Accounts to be rendered.

XIII. *And be it further enacted*, That it shall not be lawful for the said corporation to purchase or hold any real estate whatsoever not lying or being within the limits of the said corporation, nor shall any of the inhabitants residing within the said limits be assessed to work on any roads or highways not within the limits of the said corporation. The corporation not to purchase real estate out of the village.

XIV. *And be it further enacted*, That the trustees to be elected by virtue of this act shall continue in office and be authorized and empowered to execute and perform all and singular the powers and duties in this act contained belonging to their office of trustees as aforesaid, until the first Tuesday of May next following after their election of trustees as aforesaid, and until a new election for trustees of the said village shall be made pursuant to this act, and until the trustees so last chosen shall take and subscribe the oath or affirmation of the office of trustee. Trustees to hold their office for 1 year, or until others are elected.

CHAP. XCVII.

An ACT to incorporate the Society of Mechanics in the Village of Canandaigua for the purposes therein mentioned.

Passed April 2, 1813.

WHEREAS James D. Bemis and others, mechanics and tradesmen of the town of Canandaigua and its vicinity, associated as a society under the style of "The Canandaigua Mechanics Society," for the laudable purposes of protecting and supporting Preamble.

such of their brethren as by sickness or accident may stand in need of assistance, and of relieving the widows and orphans of those who may die in indigent circumstances, and also of providing the means of instruction for their children, by their petition presented to the legislature have prayed to be incorporated to enable them more beneficially to carry into effect their charitable intentions: Therefore,

J.D. Bemis
and others
incorporated.

I. *Be it enacted by the people of the state of New York represented in Senate and Assembly*, That the said James D. Bemis, together with James Sibley, N. G. Chesebro, Samuel Dike, Thayer Holden, John Brocklebank, John Wadsworth, Elisha Wright, John Hall, junior, Calvin Parker, Thomas Bliss, Eben Kellogg, Harvy Borron, John Ramsey, Horace Stewart, Elisha Younglove, Samuel Larned, Zebudee Larned, Dyer B. Draper, Daniel Randel, Rensselaer Keating, Benjamin Larned, Samuel Abby, Charles W. Pearson, Aaron Ackley, James Biddall, Asa Stanley, Grilley Seward, Robert Spencer, John A. Stevens, Martin Ballard, Absalom Shade, Harvey Harmon, Eben Hickox, George Daman, Justice Winchel, Freeman Atwater, James Clement, Justice Dobbin, Moses Cleaveland, Abner Bunnell, Thomas Beals, Benjamin Norris, Joshua Eaton, Benjamin W. Eaton, and Rufus Hall and all persons being mechanics or tradesmen and resident within the town of Canandaigua or its vicinity, who may become members of the said society, shall be and hereby are ordained, constituted and declared to be one body corporate and politic, in fact and in name by the style of "The Canandaigua Mechanics Society" and that by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors by the name of "the

Their
style, &c.

Canandaigua mechanics society," shall be capable in law of purchasing and conveying any estate, real or personal, for the public use of the said corporation: *Provided*, That the lands, tenements and hereditaments ^{Proviso.} which it shall be lawful for the said corporation to hold shall only be such as shall be requisite for the purpose of erecting a house or hall thereon, in which to meet and to transact the business of the said corporation, and for the purpose of erecting a school or place of instruction for the children of the members of the said corporation, or such as may be bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments which shall have been obtained for such debts: *And provided also*, That the amount of the real and personal estate which the said corporation are hereby enabled to hold shall not at one time exceed the sum of fifteen thousand dollars.

II. *And be it further enacted*, That the said society or corporation shall have and possess full power to make and prescribe all such bye-laws, rules, ordinances ^{Bye-laws may be made.} and regulations as a majority of a quorum of the members, as herein after mentioned, shall from time to time be thought proper, touching the management and disposition of the stock, estate, property, funds and effects of the said society, and all such other matters as appertain to the business, ends and purposes for which the said corporation is by this act established, and for no other purposes whatsoever: *Provided*, That such ^{Proviso.} bye-laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state.

III. *And be it further enacted*, That the officers of the said society shall be a president, a vice-president, ^{Officers of the society} a treasurer and secretary, who shall be citizens of the county of Ontario, to be appointed as herein after directed; and that the said president and vice-president, together with five trustees, also to be appointed as herein after provided, shall constitute a board to be termed "the board of trustees;" that the said board ^{Their powers.}

of trustees shall possess full power to direct and manage the concerns of said society in the manner and for the objects that may be prescribed by the bye-laws of the said society; that Benjamin Larned shall be the first president of the said society, Robert Spencer the vice-president, Asa Stanley the treasurer, and John A. Stevens the secretary thereof; and that John Brockbanks, John Wadsworth, Calvin Baker, Abner Bunnell and Gridley Seward shall be the first trustees of the same, and that the persons above named shall hold their respective offices until the second Thursday of February next, or until others be appointed in their places; the said president, vice-president, treasurer and trustees shall thereafter be chosen by ballot on the second Thursday of February annually, and elected by a majority of the members of the society, a quorum being present; the secretary shall be chosen by the board of trustees, and shall hold his office until another be appointed in his place; and it shall be his duty to attend all meetings of the board of trustees and all meetings of the said corporation.

Vacancies
how filled.

IV. *And be it further enacted,* That if any vacancies shall happen in the offices of president, vice-president or treasurer, by death, resignation or removal, such vacancies shall be filled for the remainder of the year in which they may happen by a special election for that purpose, to be held and conducted in the same manner as the annual elections are holden, at such times and places as shall be prescribed by the bye-laws of the said corporation; and if any vacancy shall happen in the office of secretary, the same shall be filled by the board of trustees, in such manner as shall be prescribed by the bye-laws of the said corporation.

Corporation not to be dissolved for not holding election on the day appointed.

V. *And be it further enacted,* That in case it should at any time happen that an election of trustees or other officers should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make such election in such manner as

shall have been regulated by the laws and ordinances of the said corporation.

VI. *And be it further enacted*, That all elections and all meetings of the said corporation shall be made and held in a place certain, to be fixed and determined by the bye-laws of the said corporation, and that all such elections and meetings of the said corporation so to be held as aforesaid, twenty members thereof, and at all meetings of the board of trustees, five members thereof, including the president, or in his absence the vice-president, shall be considered as a quorum, and shall have full power to do and transact the business thereof; that the society shall hold four stated meetings in each year, one in every period of three months; and that all persons being mechanics or tradesmen, and resident in the town of Canandaigua or its vicinity, desiring to become members of the said corporation, shall be proposed to the said society by at least two members of the corporation, at a quarterly meeting next preceding that in which the question of his admission shall be proposed; that all such questions shall be determined by ballot and by the voice of two thirds of the members present; and all persons so admitted, on paying into the hands of the treasurer such sum of money as shall by the said bye-laws be directed, provided the same shall not exceed the sum of five dollars, shall have their names entered in the general register, and shall be entitled to all the privileges and benefits arising therefrom; that the powers herein vested shall not extend to the levying or requiring from the members of the said corporation any payments towards increasing the funds of the said corporation, or for any other purposes, exceeding the sum of one dollar from each of the said members in any one year.

And to the end that the funds of the said corporation may never be diverted to any other than the charitable and benevolent ends and purposes of its institution.

VII. *Be it further enacted*, That the corporation shall once in every three years exhibit to the first judge of the county of Ontario a full and particular

Elections
how con-
ducted.

Stated
meetings
to be held.

Accounts
to be ex-
hibited to
1st judge
of Ontario
county.

account of all the estate, real and personal, vested in the said corporation, attested by the oath of the treasurer thereof that the same is a true and perfect account, together with a particular account of all monies by the said corporation expended in the preceding three years, specifying the particular purposes to which they have been applied; and if it shall appear that any monies, except for necessary purchases or repairs of any buildings which may belong to the said corporation applicable solely to the uses in and by this act expressly mentioned and prescribed, or for other charges incidental to the management of the funds thereof, have been applied by the said corporation to any use other than for the support of indigent members of the said corporation, or the widows or children of any person having been a member thereof, or for the establishment and support of the school in and by this act contemplated to be erected and maintained for the instruction of the children of the members of the said corporation, he shall direct the district-attorney for the district including the county of Ontario, ex officio to file information against the said corporation in the court of general sessions of the peace in and for the said county of Ontario, and if upon a traverse the said corporation shall be found guilty and judgment shall pass thereupon, that thence forth the said corporation shall cease and become null and void, and the estate, real and personal, which it may then possess shall vest in the people of this state.

If the funds are misapplied, the corporation to be dissolved.

VIII. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the same be construed in all courts and places, benignly and favorably for every beneficial purpose therein intended.

[This is a public act.]

CHAP. XCVIII.

An ACT extending the time, and continuing in force for a limited period, certain Banking Incorporations in this State, and for other purposes.

Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That

the act entitled "An act to incorporate the stockholders of the Merchants' bank in the city of New-York," and the act entitled "An act to incorporate the stockholders of the New-York state bank, and for other purposes," shall be and hereby are respectively extended and continued in force until the first Tuesday of June, one thousand eight hundred and thirty-two.

Charter of the Merchants' & State bank extended.

II. *Provided always, and be it further enacted,* That it shall and may be lawful for the comptroller of this state, and he is hereby authorized and required to subscribe to the capital stock of each of the said banks, six hundred shares, in the name of the people of this state, for the use of the common school fund, to be paid for out of the said fund; and that the treasurer of Union College shall and may subscribe for the use of the said college, four hundred shares to the capital stock of each of the said banks, and the capital stock of each of the said banks are hereby accordingly increased one thousand shares; and that the treasurer of Hamilton College shall and may subscribe for the use of the said college, four hundred shares to the capital stock of each of the said banks, and the capital stock of each of the said banks is hereby increased accordingly: *Provided always,* That the trustees of the said colleges shall not vote upon the said shares so to be subscribed: *Provided always,* That on the shares so to be subscribed shall be paid into the said bank a sum not exceeding the amount paid by the former stockholders, and in like manner from time to time as calls may be made by the directors of said bank.

Comptroller to subscribe 600 shares to stock of each.

Union college 400 shares.

Hamilton college 400 shares

Provided.

III. *And be it further enacted,* That upon loans to be made by any of the banks within this state, other than to the people of this state, for periods exceeding six months, it shall be lawful for them to demand and receive interest at the rate of seven per centum per annum.

IV. *And be it further enacted,* That the respective acts incorporating the bank of New-York, the bank of Albany, the bank of Columbia, the Farmers' bank, and the bank of Hudson, and the several acts continuing and extending the same, or any of them, shall be and

Charters of certain banks extended.

hereby are extended and continued in force until the first Tuesday of June, in the year one thousand eight hundred and thirty-two.

V. Provided always, and be it further enacted, That it shall and may be lawful for the comptroller of this state, and he is hereby authorized and required to subscribe the sum of fifteen thousand dollars to the capital stock of the bank of New-York, and the sum of five thousand dollars to the capital stock of the bank of Albany, in the name of the people of this state, for the use of common schools, to be paid for out of the common school fund; and also that the treasurer of Union College for and in behalf of the trustees of said college, be and he is hereby authorized to subscribe the sum of twenty thousand dollars to the capital stock of the bank of New-York, and the sum of twenty thousand dollars to the capital stock of the bank of Albany, the sum of five thousand dollars to the capital stock of the Farmers' bank, and the sum of five thousand dollars to the capital stock of the bank of Hudson; and also that the treasurer of Hamilton College, for and in behalf of the trustees of the said college, be and he is hereby authorized to subscribe the sum of fifteen thousand dollars to the capital stock of the bank of New-York, and the sum of fifteen thousand dollars to the capital stock of the bank of Albany, five thousand dollars to the capital stock of the Farmers' bank, and ten thousand dollars to the capital stock of the bank of Columbia, and five thousand dollars to the capital stock of the bank of Hudson; and the capital stock of the said banks is hereby respectively increased to an amount equal to the sums authorized by this act to be subscribed on behalf of the people of this state, and the trustees of Union College and the treasurer of Hamilton College: *Provided always, That the trustees of Union College and the trustees of Hamilton College shall not be entitled to vote for directors upon the shares to be subscribed for the use of the said colleges.*

Comptrol-
ler direct-
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their stock

Treasurer
of Union
college

And of
Hamilton
col. may
subscribe.

Trustees
of Colum-
bia college
may sub-
scribe.

*VI. And be it further enacted, That it shall be law-
ful for the trustees of Columbia College, with the con-*

sent of the directors of the banks mentioned in this act, to subscribe to the capital stock of each of the said banks to the extent hereby authorized and granted to the trustees of Union College, and in case such subscription shall be made, the capital stock of the banks where it is made shall be increased to the amount of such subscription: *Provided always*, That the trustees of Columbia College shall not be entitled to vote for directors on such subscriptions.

CHAP. XCIX.

An ACT to amend an act entitled "An act concerning the Clerks of the Supreme Court of this State, and for other purposes." Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the comptroller of this state be and he is hereby directed forthwith to publish a notice in a newspaper printed in each of the great districts, once in a week for six weeks successively, requiring all persons indebted to the people of this state for fees on account of services done by either of the clerks of the supreme court, to pay the sums in which they are respectively indebted to the treasurer of said state within twelve weeks from the date of said notice, which notice and demand shall be deemed a sufficient notice and demand, and an affidavit of such publication accompanying a copy thereof by the several printers who shall publish the same, taken before a commissioner authorized to take affidavits to be read in the said court, shall on the trial of any cause for the recovery of fees for services by the said clerks respectively, be received as conclusive evidence of the making such demand and publishing of such notice; and the said comptroller is further directed to publish the like notice and demand forthwith after each return made to him by said clerks, in conformity to the second section of the act hereby amended.

Notice to be published relative to debts due for services done by clerks of sup. court.

II. *And be it further enacted*, That if any person indebted as aforesaid shall not pay the amount due to the treasurer of this state within the time limited therefor by any notice hereafter to be published by the

Penalty for neglecting to pay after such notice.

comptroller, shall be liable thereafter to pay to the said people interest thereon at the rate of seven per cent per annum.

III. *And be it further enacted,* That the comptroller be and he is hereby directed to cause actions to be prosecuted for all monies which shall be unpaid for the services before mentioned, the accounts of which are now in his office, immediately after the expiration of the time limited in his first notice, and for all other monies becoming due at the expiration of every year thereafter: *Provided,* such account, with interest, shall amount to twenty-five dollars.

Comptroller directed to prosecute for monies due.

Return of clerks evidence of services performed

IV. *And be it further enacted,* That the several returns made by the respective clerks of said court, stating the amount due from each person named therein, or the certificate of the comptroller stating the amount due from any person therein mentioned, shall be prima facie evidence of the services performed and the amount due at the time such amount is returned to the comptroller: *And further,* That in any action prosecuted for the recovery of any such demand, the venue thereon shall be laid in the county of Albany.

CHAP. C.

An ACT concerning the Gospel and School Lots.

Passed April 2, 1813.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall be lawful for the freeholders and inhabitants of the several towns in the county of Cortland, of the towns of Ulysses, Ovid, Hector, Romulus, Junius and Fayette, in the county of Seneca, of the towns of Dryden, Genoa, Locke, Sempronius, Aurelius, Owasco, and Brutus, in the county of Cayuga, of the towns of Fabius, Camillus, Manlius, Pompey and Tully, in the county of Onondaga, and the town of Windsor, in the county of Broome, which have lands assigned to them for the support of the gospel and schools, at their annual town meetings, to elect three trustees, being inhabitants and freeholders of the town, whose duty it shall be to take the charge of the said lands belonging to

Trustees to be elected to dispose of certain school lots.

such town, and receive and appropriate the rents, issues and profits, or the proceeds arising from the sale thereof, to the uses and for purposes herein after mentioned.

II. *And be it further enacted*, That the like notice shall be given of the election of the said trustees, and the election conducted in the same manner as the election of other town officers; and that the said trustees shall have full power and authority to demise or grant, bargain, sell and convey, the said lands upon the best terms or for the best price which can be had therefor, in such a manner as the said trustees shall deem most beneficial to their respective towns: *And further*, That the said trustees shall, for the purposes expressed in this act, be a body politic and corporate, by the name and style of the trustees of the town of (inserting the town) in the county of (inserting the county) and shall have a common seal, and by the name and style aforesaid, may sue and be sued in any court of law or equity or any matter or cause relating to the aforesaid lands, or the proceeds thereof.

Power of
the trustees.

III. *And be it further enacted*, That, it shall not be lawful for the said trustees, or their successors, to sell the said lands on a shorter credit than twenty years; and it shall be lawful for the said trustees to receive at the time of such sale one fourth part of the sum or sums arising therefrom; and that the said trustees shall loan the monies arising from such sales at lawful interest, to be secured by bonds and mortgages on lands of double the value of the sums loaned, and clear of all imbrances.

Lands not
to be sold
on a credit
shorter
than 20
years.

IV. *And be it further enacted*, That the rents, issues and profits of the aforesaid lands, and the annual interest of the monies arising from the sale thereof, shall be applied by the said trustees for the time being to the support of the gospel and schools in their several towns in such manner as the freeholders and inhabitants of the towns respectively, at their annual town meeting, shall order and direct, or as the legislature shall prescribe by law.

Proceeds
how to be
applied.

V. *And be it further enacted*, That the said trustees shall be allowed the costs of surveying said lands into

Trustees
allowed
certain
costs

small lots, to be levied, collected and paid as other town expences usually are.

Accounts how to be rendered. VI. *And be it further enacted,* That it shall be the duty of the trustees of the several towns who are entitled to gospel and school lands, to render a just and true account of their proceedings in respect to the sale of said lands, together with the rents and interest in their hands remaining, and an account of what has been appropriated or expended, to the supervisors and justices of the peace of their respective towns on the 1st Tuesday next preceding the annual town meeting in each year; and it shall be the duty of the supervisors or one of the aforesaid justices, to report to the people at the annual town meeting in each year the amount of rent or interest then due and to be appropriated for the support of the gospel or schools; and when other trustees shall be chosen the former trustees shall deliver over to their successors all the money, books, notes, bonds, mortgages or other papers relating to the sale of said lands, for the security of any sum or sums of money arising therefrom, either for interest rent, or principal, then remaining in their hands, and take a receipt for the same, which receipt shall be filed in the clerk's office of said town; and in case any of the trustees aforesaid shall wilfully neglect or refuse to deliver over as aforesaid all the money, books, notes, bonds, mortgages, or other papers, to their successors as aforesaid, shall forfeit and pay twenty-five dollars, to be recovered, with costs of suit, before any justice of the peace in and for the county in which such offence shall be committed, in an action of debt, by any person who shall prosecute for the same to effect.

Trustees of Ovid.

VII. *And be it further enacted,* That James V. Horne, Minor Thomas and Rynear Covert be trustees for the town of Ovid, in the county of Seneca, to take charge of and to make sale of the gospel and school lot in said town, until the first Tuesday in April next or until others be chosen by the freeholders and inhabitants of said town of Ovid agreeable to this act; and it shall be the duty of the said trustees to cause to be surveyed out nearly in the center of said lot number

thirty, in said town of Ovid, four acres of land, as near square as may be, so as to contain the meeting-house and burying ground, and to convey the same to the trustees of the first Dutch reformed church in Ovid, on being secured agreeable to the third section of this act, for the amount of the average price of said lot; and that Elijah Smith, Lemuel Badger and Anselm Cole be trustees for the town of Windsor aforesaid, until their next annual town-meeting.

4 acres to be sold to the Dutch reformed church in Ovid.

Trustees of Windsor.

CHAP. CI.

An ACT for the relief of the heirs and representatives of Ebenezer Proudfit deceased.

Passed April 2, 1813.

WHEREAS the widow and relatives of Ebenezer Proudfit, late of Salem, in the county of Washington, deceased, have represented to the legislature that he died intestate, leaving a large real estate, which is not only unproductive, but from its situation liable to great injury, and have prayed that the administrators of the goods and chattels, rights and credits of the said Ebenezer may be authorized to dispose of the said estate in a manner most conducive to the interests of the heirs of the said Ebenezer Proudfit, which prayer is reasonable: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the administrators of all and singular the goods and chattels, rights and credits of the said Ebenezer Proudfit, or a majority of them, or the survivors or survivor of them, be and they are hereby declared to be trustees of all the real estate whereof the said Ebenezer died seized within this state, with full power to grant, bargain, sell, lease in fee or for life, all and singular such part or parts thereof, and to make and execute to the said purchasers or lessees such deeds or other conveyances as may be necessary or proper for granting and conveying the same: *Provided always,* That before any such sale or demise shall be consummated, the same shall be sanctioned and approved of by the chancellor, or such officer of his court as he shall for that purpose designate.

Estate of E. Proudfit how to be disposed of.

Proviso.

Parting to
be assured
and in the
winds

II. And be it further enacted, That the trustee aforesaid shall pay to the widow of the said Ebenezer during her natural life, such portion of the income of the said estate, to and for her sole use and benefit, not exceeding one third of the nett yearly income thereof, as the chancellor of this state shall, on application to him for that purpose, made, order and direct, in lieu and bar of the dower of the said widow, and such further sum or sums for and on account of the support, maintenance and education of the said heirs as the said chancellor on like application shall order and direct, regard being at all times had to the degree and standing of the parties and of the amount of income.

Bond to be
given by
the trustee.

III. And be it further enacted, That the trustee aforesaid, before they enter upon the execution of the trust hereby created, shall execute and file in the office of a register of the court of chancery, a bond in such sum with such sureties as the chancellor of this state shall approve, conditioned for the fair and faithful discharge of the duties of this trust, and for the fair and full distribution of the proceeds of such estate among all the heirs of the said Ebenezer Proudfit, and to account therefor whenever required by the chancellor of this state.

Heirs to
receive
their portion
as they be-
come of
age.

IV. And be it further enacted, That the said trustees shall pay over to each of the heirs as they respectively attain the age of twenty-one years, his or her portion of the estate, taking such security from such heir as the said chancellor shall approve, for a return or repayment for such part thereof as may be necessary to equalize the portion or portions of the other heirs in the event of any loss happening by the insolvency of any debtor or failure of any fund in which such estate may be vested.

CHAP. CII.

An ACT authorizing the Comptroller to receive the returns from the Treasurer of Niagara County for the year 1812, and for other purposes.

Passed April 2, 1813.

I. BE it enacted by the people of the state of New York, represented in Senate and Assembly, That

the comptroller be and he is hereby authorized and re- Tax re-
quired to receive the tax return from the treasurer of turns of
Niagara county, for the year one thousand eight hun- 1812
dred and twelve, and the said return is hereby declared in Niagara
as valid as if the same had been made within the time to be re-
required by law. ceived by
the comp-
troller.

II. *And be it further enacted*, That the comptroller Also of De
be and he is hereby authorized to receive the tax lists of Ruyter &
the non-residents for the towns of De Ruyter and Lenox Lenox in
in the county of Madison, heretofore rejected by him Madison
on account of some informality in certifying and signing, county.
any law to the contrary notwithstanding.

CHAP. CIII.

*An ACT appointing Commissioners to lay out a Road
from Rome, in Oneida County, to Lake Ontario.*

Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New-
York, represented in Senate and Assembly, That Commis's
Benjamin Wright, James Lynch and John Meacham be to lay out
and hereby are appointed commissioners to lay out a the road.
public road four rods wide, in the most direct and con-
venient route from the village of Rome, in the county
of Oneida, to the south easterly part of Lake Ontario
at or near the mouth of Salmon river.

II. *And be it further enacted*, That when the said Descrip-
commissioners shall have laid out the said road they tion of the
shall cause a description of the route of the said road to route to be
be recorded in the offices of the clerks of the several filed in the
towns through which such road shall pass, and the com- town
missioners of highways in said several towns shall with- clerk's of-
out delay after the recording of the route thereof as a- fice.
foresaid, cause the said road to be opened and worked
in their respective towns, in the same manner as if the
same had been laid out by said town commissioners.

III. *And be it further enacted*, That when any part Owners of
of the said road shall be laid out through any inclosed lands to be
lands, the owner or owners thereof shall be paid his or paid for
their damages by the town in which such improved lands damages.
lie, to be assessed and determined in the same manner
as damages are directed to be assessed by an act entitled
"An act to regulate highways."

Compensation of
commissioners

IV. *And be it further enacted*, That the said commissioners shall each be allowed two dollars a day for each day they shall be employed in the service aforesaid, to be raised, levied and collected by the supervisors of the county of Oneida on the inhabitants and freeholders of the said county in the same manner as the other contingent expences of the said county are raised, levied and collected.

They shall
take an
oath.

V. *And be it further enacted*, That each of the said commissioners, before he enters on the duties of his office, shall take and subscribe before one of the judges of the county of Oneida, the following oath, to wit: "I - - do solemnly swear and declare that I will in all things, to the best of my knowledge and ability, well and faithfully execute the trust reposed in me by virtue of the act entitled "An act appointing commissioners to lay out a road from Rome, in Oneida county, to Lake Ontario."

CHAP. CIV.

An ACT to amend the act entitled "An act to incorporate the Society of Mechanics of the City and vicinity of Albany, for purposes of education and charity."
Passed April 2, 1813.

WHEREAS it has been represented to the legislature by the petition of the said society, that in proceeding in the business of their incorporation they have purchased a lot of ground and house for the hall of their meeting, and have erected a building for a school-house, and that the principal attention of the society is directed to the education of their children, but that they have met with much embarrassment and difficulty in their proceedings from the number of members required as a quorum to transact the business of said society, being so great as to make it extremely difficult to procure such quorum, and have prayed relief in the premises, and the legislature being willing to grant such relief; Therefore,

Be it therefore enacted by the people of the state of New-York, represented in Senate and Assembly, That on notice having been given for two weeks in one of

the public newspapers printed in the city of Albany, of the time and place of holding the annual election for the choice of officers and trustees of said society, the members who may attend at such time and place, not being less than twenty in number, shall be a quorum for the purpose of such election, and that in all other cases of a meeting of the said society, twenty members, together with the president, or in case of his sickness or absence from the city of Albany, either of the vice-presidents, shall be a quorum for transacting all such business as the said society in general meeting are authorized to perform by or under their act of incorporation, any thing in the said act of incorporation to the contrary notwithstanding.

CHAP. CV.

An ACT relative to the Villages of Oswego.

Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of highways of the town of Hannibal, in the county of Onondaga, and their successors in office for the time being, to remove or cause to be removed all private buildings of every description whatsoever now erected or hereafter to be erected off and from the streets and market lots in the village of Oswego in the said town, first giving to the occupier or possessor of such buildings severally six months notice of their intention to remove the same; in case the said buildings should not in the mean time be removed by such occupier or possessor, which said notice shall be in writing, and signed by the said commissioners, or a majority of them.

II. *And be it further enacted,* That if any person shall put or place in any part of the Oswego harbor, in the said villages of Oswego, any stones, earth or ballast, or shall in any other wise injure or obstruct the said harbor, such person so offending shall forfeit and pay for every offence a fine not exceeding twenty-five dollars, to be recovered with costs of suit, before any justice of the peace of the county of Onondaga,

by and in the name of the said commissioners, whose duty it shall be to sue for the same, to and for the use of the poor of the said town of Hannibal.

Compensation of the commissioners

III. *And be it further enacted*, That the said commissioners shall be entitled to receive for services rendered under and by virtue of this act, the like compensation as for other services performed in their office, to be allowed, raised and paid in the manner prescribed by law for compensating the said commissioners for other services.

Acts of a majority shall be valid.

IV. *And be it further enacted*, That all acts to be done under and by virtue of this act, by a majority of the said commissioners, shall be as valid and effectual as if all the commissioners of the said town had joined in doing the same: *And further*, That if the said commissioners, or any of them, shall be sued for any thing done in pursuance of this act, he or they may plead the general issue and give the special matter in evidence.

Commissioners of the land-office may sell lands adjacent to the village.

V. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office to sell the lands belonging to the people of this state adjacent to the said village of Oswego, and not being within the plan of the said village, in such parcels as will best accommodate the settlers or building lots in the said village, in the manner directed by law for the sale of the other unappropriated lands.

Where to be sold.

VI. *And be it further enacted*, That the said lands, in the discretion of the said commissioners of the land-office, may be sold either at the capitol in the city of Albany, or in the county where the same may lie, at such place as they shall appoint for that purpose.

They may also sell lots in East Oswego.

VII. *And be it further enacted*, That the commissioners of the land-office shall have the same power and authority in relation to the sale of lots in the village of East Oswego, in the town of Scriba, as they now have in relation to the sale of lots in the village of Oswego, in the town of Hannibal.

Harbor how to be preserved.

VIII. *And be it further enacted*, That the commissioners of highways of the town of Scriba, or a majority of them, shall have the same powers for the pre-

servation of the harbor in the village of East-Oswego as are herein granted to the commissioners of the town of Hannibal: *Provided*, That all suits by them to be commenced in the premises shall be commenced and prosecuted before some justice of the peace of the county of Oneida, and the recovery to be had shall be to and for the benefit of the poor of the said town of Scriba. Proviso.

CHAP. CVI.

An ACT for the incorporation of the Village of Buffalo, in the County of Niagara.

Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the freeholders and inhabitants qualified to vote for members of assembly, resident within the district of country known and distinguished on a map made by Joseph Ellicott, and on file in the clerk's office of the said county, as the village lots and outer lots of the village of New-Amsterdam, shall be a corporation by the name and style of "The Trustees of the Village of Buffalo," and by that name they and their successors may have perpetual succession, shall be known in law, shall be capable of suing and being sued, and of defending and being defended in all courts and places whatsoever, and in all manner of actions and causes, and that they and their successors may have a common seal and may alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation, and of erecting one or more fire-engine house or houses, and a market-house, with power to restrain swine and cattle from running in the streets, to regulate the assize of bread, to remove and prevent encroachments on the highways, streets and commons, of raising money by tax for erecting such fire-engine house or houses and market-house, and for the purchase of one or more fire-engine or engines, and all implements and tools appertaining thereunto, and for the keeping the same in repair, and for raising money

village in-
corporat-
ed.

Style and
power of
the trus-
tees.

by tax for defraying the incidental expences of carrying the several bye-laws and regulations into effect which money so to be raised shall be assessed upon the freeholders and inhabitants of said village in proportion to their property, real and personal, within said village, by the trustees thereof, and collected by the collector of said village in the same manner as the taxes of the county of Niagara are collected, by virtue of a warrant to him directed, signed by a majority of the trustees of said village; and by him paid into the hands of the treasurer thereof: *Provided*, That no tax shall be levied or monies raised, assessed or collected for erecting public buildings, or for defraying any incidental expences of said village, nor any sale or purchase of any real or personal estate be made, nor any fire-engine house or houses, or market-house erected or disposed of without the consent of the freeholders and inhabitants of said village assembled, qualified to vote for members of assembly, or a majority of them, to be given at a public meeting duly notified as herein after mentioned: *Provided*, That such real estate which said corporation may lawfully hold, over and above what may be necessary for streets, roads and public places, and for the accommodation and use of the public buildings, shall not at any time exceed the annual value or increase of fifteen hundred dollars.

Proviso.

Further proviso.

Election when and how to be made.

II. *And be it further enacted*, That on the first Monday of May in every year, the freeholders and inhabitants of said village who are qualified to vote as aforesaid, shall assemble in the said village at such time of the day and at such public place therein as the trustees thereof shall from time to time appoint and notify in the same manner as is herein after directed for calling special meetings, and then and there, by a plurality of votes of those attending said meetings, to choose by ballot five trustees, one treasurer, one clerk, one collector, and three fire-wardens, being freeholders and inhabitants of said village, at which first election the trustees appointed by this act shall preside as inspectors of said election, and shall canvass the ballots given at the said election, and declare the several officers

who may be chosen, and shall have power to decide on the qualifications of electors; and in order to ascertain the qualifications of any person offering himself as an elector, may examine him on oath, to be administered by one of said trustees; and the trustees so to be elected by virtue of this act, or a majority of them, and their successors in office, shall preside at all future elections and public meetings of the freeholders and inhabitants of said village, and shall have the like powers and authority as above mentioned; and the said trustees shall provide and keep poll books wherein shall be entered the names of the persons who shall vote at said election: *Provided*, That in case of the death or absence of the trustees of said village, or a major part of them, or their inability to attend at such election, the freeholders and inhabitants, or a majority of them so attending, may appoint some other suitable persons to preside at such elections in their stead; and such trustees, treasurer, clerk, collector and fire-wardens so elected shall continue in office for one year, and until others shall be appointed and qualified in their stead; and the said treasurer and collector shall, before they enter upon the execution of the duties of their respective offices, severally give to the trustees of said village for the use and benefit of the freeholders and inhabitants thereof, a bond with two sufficient sureties, to be approved of by said trustees, or a majority of them, in the sum of one thousand dollars each, conditioned for the due execution of the duties of their respective offices and faithful discharge of the trust reposed in them respectively; and it shall be the duty of the said clerk from time to time to enter all rules, regulations and proceedings of the said freeholders and inhabitants in a book or books to be provided for that purpose by the said trustees, which books shall remain in the hands of the said clerk, and be at all proper times open for the inspection of the freeholders and inhabitants of said village.

III. *And be it further enacted*, That the said freeholders and inhabitants, at their annual meeting to be held as aforesaid, and at such special meetings as the

Bye-laws
may be
made.

said trustees, or a majority of them, may think necessary to call, by giving notice thereof in the public newspaper or papers printed in said village, if there should be any such paper or papers printed in said village, and by fixing a copy of said notice in three of the most public places in said village for at least six days previous to such meeting, are hereby authorized from time to time to make and establish such prudential rules and regulations as a majority of such freeholders and inhabitants so assembled and having a right to vote as aforesaid shall judge necessary and convenient for the better improving of their common estate, and for the application and expenditure of all monies to be assessed by virtue of this act, and also to ordain and establish such prudential rules and regulations relative to slaughter-houses, to the cleansing and keeping in order the common streets and highways in said village, and removing nuisances therefrom, and establishing, regulating and improving side-walks therein, and also to make rules and regulations proper to compel the house holders in said village to furnish themselves with a sufficient number of fire-buckets, and also to make and pass rules and regulations relative to the duties of the fire-wardens, to authorize them to inspect all chimnies, stoves and stove pipes, and to direct at what time the chimnies and stove pipes shall be cleansed, and also to pass rules and regulations for guarding generally against fire in said village, and to impose from time to time such penalties on the offenders against such rules and regulations, or any of them, as a majority of such freeholders and inhabitants so assembled shall from time to time deem proper, not exceeding five dollars for any one offence, to be recovered by said trustees in their own names, with costs of suit by action of debt, before any justice of the peace residing within the town of Buffalo and county of Niagara; and in any action or actions which may be brought for or against the trustees of said village, the freeholders and inhabitants of said village shall be as they are hereby declared competent witnesses for either party in such action, which penalties when collected

shall be paid into the treasury of said village for the use of the inhabitants and freeholders thereof.

IV. *And be it further enacted,* That it shall be lawful for the said trustees, or a major part of them, and they are hereby required to appoint a sufficient number of firemen, not exceeding twenty in number, of the inhabitants of the said village, for each and every engine, to have the care, management, working and use of the said fire-engine or engines belonging to or which may belong to said freeholders and inhabitants, and also the tools and implements belonging and appertaining to the same, for extinguishing fires; and the said trustees, or a majority of them, are hereby authorized to remove all or any of the said firemen, when and as often as they may think fit, and to appoint others in their stead, and also to make, ordain and establish such rules and regulations for the government of such firemen as to them shall appear necessary and proper.

Firemen
may be ap-
pointed.

V. *And be it further enacted,* That the treasurer of said village shall not pay out of the treasury any monies belonging to said freeholders and inhabitants without an order signed by the said trustees, or a majority of them.

Monies
how to be
paid.

VI. *And be it further enacted,* That the trustees and treasurer of said village shall annually, at the time and place of holding the elections aforesaid, exhibit an account of all monies received into or paid out of the treasury of said village during the year preceding, specifying the several objects and purposes for which the same have been paid and applied.

Accounts
to be ex-
hibited.

VII. *And be it further enacted,* That Elie Hart, Zenais Barker, Ebenezer Walden, Oliver Forward and Cyrenus Chapin be and they are hereby appointed trustees of the said village for the ensuing year, commencing the first Monday in May next.

First trus-
tees.

CHAP. CVII.

An ACT to divide the Town of Mexico, in the County of Oneida.

Passed April 2, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That New-Haven and after the first Monday in March next, all ven erect-
ed.

that part of the town of Mexico, in the county of Seneca, comprehending the nineteenth township of Seneca's patent (so called) be and hereby is erected into a separate town by the name of New-Haven, and that the first town meeting shall be held at the house of Ansel Snow in said town.

II. *And be it further enacted*, That the remaining part of the said town of Mexico shall be and remain a town by the name of Mexico, and the first town-meeting shall be held at the place to which the last town-meeting in said town of Mexico is adjourned.

III. *And be it further enacted*, That as soon after the first Tuesday in March next as is convenient, the supervisors and overseers of the poor of said towns of Mexico and New-Haven shall meet at some convenient place, and divide the money and the poor of the present town of Mexico agreeable to the last tax list, and that each of said towns shall thereafter maintain their own poor.

Poor and
poor money to be
divided.

CHAP. CVIII.

An ACT for the relief of Lemuel W. Jenkins and others. Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land-office shall issue letters patent to Lemuel W. Jenkins for all that certain tract of land under water, lying opposite to and adjoining his farm in the city of Hudson, comprehended within the following bounds, to wit: beginning at a certain hollow or gully through Lemuel W. Jenkins' land, on the east bank of the Hudson river, at a place bearing south sixty-two degrees west from the westernmost end of Stillhouse wharf in the city of Hudson, distant from said wharf sixty-five chains and fifty links, thence north twenty-two degrees east, three chains, thence south seventy-six degrees west twelve chains, thence south sixty-seven degrees west twenty-four chains, thence south sixty-three degrees west sixty-one chains, thence south fifty degrees west eleven chains and forty links, thence south sixty-nine degrees east thirty chains to said Jenkins'

Bounds of
land to be
granted to
L. W. Jen-
kins.

land on the bank of Hudson river, thence northerly along said bank and land to the place of beginning.

II. *And be it further enacted*, That the time limited by the act entitled "An act for the relief of Samuel S. Baldwin and others," passed 28th February 1812, for the payment of the first instalment of principal, shall be extended to the first day of May, in the year one thousand eight hundred and sixteen, but in this case the interest shall be regularly paid annually on the first day of May in each year.

Time extended to S. S. Baldwin and others to make certain payment.

CHAP. CIX.

An ACT authorizing the Supervisors of the County of Genesee to raise money by tax for the purpose of paying the balance due from that county for completing the bridge across the Genesee river, near the Falls.

Passed April 2, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the supervisors of the county of Genesee, at their next meeting, be and are hereby empowered and required to raise and levy on the freeholders and inhabitants of said county a sum not exceeding six hundred dollars, for the purpose of paying the balance due from said county for completing the bridge across the Genesee river, near the falls, with the additional sum of five cents on each dollar for collecting the same, and one cent on the dollar for treasurers fees, which said sums shall be raised, levied and collected in the same manner as the other contingent charges of said county are levied and collected.

CHAP. CX.

An ACT for the relief of the Board of Supervisors of the County of Ontario, and for other purposes.

Passed April 2, 1813.

WHEREAS, by an act passed the 26 of May 1812, and also an act passed the 16th day of June, 1812, authorizing and requiring the said board of supervisors to levy and collect from the freeholders and inhabitants of said county of Ontario several sums of money for building the gaol and completing the

bridge over the Genesee river, between the towns Boyle and Northampton; the said board by their petition to the legislature, stating that for the want of the said acts not coming into the county before the October session they did not raise the said several sums specified in said acts, therefore praying they may be discharged from the duties enjoined on them by the said acts: Therefore,

Be it enacted by the People of the State of New-York represented in Senate and Assembly, That the said acts hereby recited acts are repealed, and in lieu thereof it shall be lawful, and it is hereby made the duty of the treasurer of said county, on the warrant of the board of supervisors, to pay to the commissioners appointed to build the aforesaid bridge, one thousand five hundred and seventy-four dollars and fifty cents out of any money in the treasury, being the balance due them for completing said bridge; and it shall be lawful, and it is hereby made the duty of the board of supervisors at their annual meeting in October next, to cause to be levied and collected from the freeholders and inhabitants of the said county of Ontario, the sum of one thousand five hundred dollars; and if in judgment of the said board, or their successors in office, at the annual meeting which will be in the year one thousand eight hundred and fourteen, the further sum of one thousand five hundred dollars, or any part thereof, for completing said gaol, it shall be lawful for them to levy and cause the same to be collected from the freeholders and inhabitants of said county, together with five cents on a dollar for the collection thereof for the use and purpose of building said gaol in conformity to an act for that purpose, passed the 9th day of March, 1810.

CHAP. CXI.

An ACT to divide the Town of Oxford, in the County of Chenango.

Passed April 2, 1813

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the first Monday in March next all the

Eastern
erected.

part of the town of Oxford, in the county of Chenango, lying east of a line beginning at the north line of the township of Fayette, in said town, between lots number forty-six and fifty-five, and running thence south until it intersects the south line of the said township of Fayette, between lots number sixty-three and seventy-one, and hereby is erected into a separate town by the name of Eastern, and the first town meeting shall be held at the house of Jehiel Parsons in said town of Eastern.

II. *And be it further enacted*, That the remaining part of the town of Oxford shall be and remain a separate town by the name of Oxford, and that the first town meeting shall be held at the house of Erastus Perkins in said town.

III. *And be it further enacted*, That as soon as may be after the first town-meeting, the supervisors and overseers of the poor for said towns shall meet together, notice being first given for that purpose, and divide the money and poor belonging to the town of Oxford previous to its division agreeably to the last tax list, and that each of the said towns shall forever thereafter respectively maintain and support their own poor.

IV. *And be it further enacted*, That all public property of whatever description at present owned by the town of Oxford shall immediately after this act takes effect be equally divided between the said towns of Oxford and Eastern.

Poor and
poor money to be
divided.

Public
property
to be divided.

CHAP. CXII.

An ACT to improve the Road therein mentioned.

Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the surveyor-general is authorized and required to sell and dispose of so much of the unappropriated lands of this state, on a credit of twelve months, lying in the county of Oneida, called the Fish Creek lands, as shall raise the sum of four thousand dollars, and the same is hereby appropriated for improving the road from Sackett's Harbor, on lake Ontario, to the village of Rome, in the county of Oneida, being the road heretofore laid out by

Road from
Rome to
Sackett's
Harbor to
be improved.

Commis-
sioners.

commissioners appointed by the state, and pay the same over to Henry Huntington, Clark Allen and Dan Taft who are hereby appointed superintendants to take charge of the expenditures of said sum for the object aforesaid provided the said Henry Huntington, Clark Allen and Dan Taft shall first enter into a bond in double the amount of said sum to the people of this state, with two sureties to be approved of by the comptroller, conditioned for the faithful expenditure of said appropriation, according to the true intent and meaning of this act, and also for accounting to the comptroller for the said expenditure.

Their com-
pensation.

II. *And be it further enacted*, That the said superintendants shall each be entitled for their services and expences whilst necessarily employed in their duties aforesaid, to the sum of two dollars per day, payable out of the said appropriation, and no more.

CHAP. CXIII.

An ACT for the relief of Purchasers of Lots in the late Oneida Reservation. Passed April 2, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time for the payment of the purchase money and interest of the lots in the late Oneida reservation be and hereby is extended to the first day of October next: *Provided*, That nothing in this act contained shall be construed to defeat or delay any suit or action brought against any of the purchasers or occupants of any of said lots until the person against whom such suit is brought shall have paid to the attorney-general the costs of such suit.

CHAP. CXIV.

An ACT for opening and making a Road from the Town of Warwarsing, in the County of Ulster, to the Town of Nevisink, in the County of Sullivan.

Passed April 2, 1813.

Commis-
sioners's
to open the
road.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That Benjamin Bevier, John Broadhead, junior, and Andrew I. Lefevre, be and they are hereby appointed commis-

sioners for the purpose of opening and making a public road or highway, beginning at or near the house of Levi Kimble, in the town of Warwarsing, in the county of Ulster, and thence in the best and most direct route to or near the mills of Andrew I. Lefevre, in the said town of Warwarsing, and thence to or near a school-house on the Nevisink road, near the Nevisink river, in such manner as the said commissioners shall judge most expedient and order; and the said commissioners shall explore and mark out the route for the said road, and shall respectively be entitled to two dollars for each day actual and necessary service in which they shall be engaged in the performance of the duties required of them by this act; and the said commissioners shall respectively before they enter upon their said duties, execute bond with sufficient surety to be approved of by the clerk of the county of Ulster, or of the county of Sullivan, to the people of this state, in the penalty of one thousand dollars, conditioned for the faithful performance of the trust reposed in them by this act, which bond shall be filed in the office of the clerk approving thereof, and the said commissioners shall likewise take and subscribe an oath before some magistrate authorized to administer oaths, well and faithfully to execute their said trust, and the same shall be filed with either of the said clerks of Ulster or Sullivan county: *And further*, Any two of the said commissioners shall have power and authority to execute and perform all and singular the duties and services delegated to all the said commissioners by this act.

II. *And be it further enacted*, That the said commissioners shall, as soon as may be after the passing of this act, make an estimate or assessment under their hands of the monies to be raised for the purposes of this act, that is to say, they shall assess the sum of eight cents upon every acre of land lying within one mile of the road hereby directed to be opened and made, and the sum of four cents upon every acre lying more than one mile within two miles of the said road, designating in such assessment as near as may be the quantity of land owned or possessed by each owner or occupant subject to such assessment; and where such land shall not be

Assess-
ments how
to be made
for open-
ing the
road.

occupied, or the owner cannot be ascertained, then said commissioners shall specify the same, and also describe the land with convenient certainty, which assessment being filed in the clerk's office of the county of Ulster, and a copy thereof in the clerk's office of the county of Sullivan, shall be a lien upon the land so assessed to the amount contained in such assessment, and the owners and occupants thereof respectively shall be liable to the amount assessed upon the land by them respectively owned or possessed; and if any of them shall not within ninety days after demand made by either of the said commissioners, or by some person by them authorized, or after publication of the amount assessed upon his or their land in one of the public newspapers printed in the county of Ulster, pay the said amount assessed to either of the said commissioners, then it shall be lawful for any justice of the peace of the county where such land lies, upon application to him by either of the said commissioners, forthwith to issue a warrant directed to any constable of such county, commanding him to cause the sum assessed, with the costs of such warrant and constable's fees, to be levied of the goods and chattels of such owner or occupant, in the manner and time in which justices' executions are served, and to return the said monies to the said commissioners, or any one of them; or in case the said commissioners shall so elect, it shall be lawful for them to issue their warrant to the collector of taxes in the town where such lands lie, commanding him to levy and collect the said sums assessed in the manner in which he is authorized by law to levy and collect the taxes imposed on the inhabitants of such town, and such collector shall obey such warrant and make return thereof, with the monies collected, to the said commissioners, or any one of them, within sixty days after he shall have received such warrant; and any neglect of duty in any constable or collector in the service of any warrant under this act to him directed, shall subject the offender to a penalty of twenty-five dollars, to be sued for and recovered with costs, by and in the name of the said commissioners, or any one or more of them, before any court having cognizance thereof, and to be applied when recovered.

to the purposes contemplated by this act; and such constable or collector shall moreover be liable to the said commissioners for the amount by them so collected: *Provided*, That nothing in this act contained shall authorize any assessment on land lying to the eastward or westward of the ends of the said road by lines to be run at right angles with the general course of the road. Proviso.

III. *And be it further enacted*, That if any constable or collector to whom any warrant shall have been directed under the preceding section shall return that there are no goods or chattels sufficient to satisfy the same, and that the same cannot be collected according to the command thereof, then it shall be lawful for the said commissioners to issue a warrant to the sheriff of the county where such lands subject to the same shall lie, wherein after reciting the assessment made under this act, the default in payment, and the warrant directed to the collector or constable, and his return thereof, the said sheriff shall be commanded to levy the sum of money assessed, with the costs of such sheriff, of the lands or tenements so assessed in the manner in which executions of fieri facias out of the supreme court are served, and directing such sheriff to have the monies before such commissioners, or one of them, within three months after the delivery of such warrant to such sheriff; and such sheriff shall and may advertise and sell such land, or so much thereof at public auction as will be sufficient to satisfy such warrant and costs as aforesaid, and for advertising upon such warrant, and thereupon to execute a conveyance in fee to the purchaser, which shall be of like force and effect as if the same had been executed under a writ of fieri facias: *Provided always*, That the right, interest and estate of such purchaser shall cease in case the original owner, or any one for him or on his behalf, shall within two years from the time of sale, tender or pay to such purchaser, his heirs or assigns, the amount of the purchase money, with interest at and after the rate of fourteen per centum per annum from the time of sale by the said sheriff, and thereupon the land so If assessments cannot be collected, lands may be sold to satisfy the same.

Proviso.

sold shall revert in such original owner, his heirs or assigns, in like manner as if the same had never been sold under this act, and a clause to that effect shall be inserted in the sheriff's deed to the purchaser: *And provided further*, That the lands and tenements now owned or possessed by Benjamin Sears, of Orange county, and Simeon Freer and Lawrence Freer, of Ulster county, shall not be assessed under this act, nor in any way affected or prejudiced thereby.

Vacancies
how to be
filled.

IV. *And be it further enacted*, That if either of the said commissioners should die, resign or refuse to act, or be otherwise disabled or disqualified from acting, it shall be lawful for any three of the judges of the court of common pleas for the county of Ulster or Sullivan to supply such vacancy as often as occasion may require, which commissioner or commissioners so to be appointed shall exercise and enjoy all the powers and authorities, and be subject to the same restrictions and conditions as are by this act given to or imposed upon the commissioners therein named.

CHAP. CXV.

An ACT to vest certain powers in the Freeholders and Inhabitants of Binghamton.

Passed April 2, 1813.

Bounds of
the village

I. **B**E it enacted by the people of the state of New York represented in Senate and Assembly, That the district of country within the county of Broome, contained in the following bounds, that is to say, beginning at a button wood tree standing on the most southerly point of the island in the Chenango river known by the name of Lion's island, adjacent to the mills lately erected by Marshall Lewis, thence in a line running due east to the middle of Brandy-wine creek so called, thence southerly down the middle of said creek as it winds and turns to the Susquehannah river, thence southerly to the middle of said river, thence down the middle of said river as it winds or turns to a point or place in said river which a line would meet drawn due south from the south-west corner of a tract of land on the west side of the Chenango river purchased by Da-

niel Le Roy of the executors of William Bingham, Esquire, deceased, thence due north to the south-west corner of the last mentioned tract of land, thence northerly along the west line of said tract of land to the south-west corner of the farm or tract of land owned by Selah Squiers, thence easterly along the south line of the said Selah Squiers's land to the middle of the Chenango river, and thence easterly to the place of beginning, shall hereafter continue to be known and distinguished by the name of "The village of Binghampton," and the freeholders and inhabitants residing within the same, ^{Their style, &c.} qualified to vote at town-meetings, may on the first Tuesday in May meet at the court-house in the said village, a notice whereof shall be made in writing, and signed by a justice or justices of the peace residing in the county of Broome, and put up in at least three public places within said village at least ten days before the said first Tuesday of May next, and then and there proceed to elect five discreet freeholders resident within the said village, to be trustees thereof, who when chosen shall possess the several powers and rights herein after specified; and such justice or justices shall preside at such election, and shall declare the persons having the greatest number of votes duly elected trustees; and on every first Tuesday of May after the first election of trustees there shall in like manner be a new election of trustees for said village, and the trustees for the time being shall perform the duties required from the said justice or justices in respect to notifying meetings and presiding at such elections.

II. *And be it further enacted,* That all the freeholders and inhabitants residing within the said limits be ^{Powers of the trustees.} and they are hereby ordained, constituted and declared to be from time to time and forever hereafter a body corporate and politic, in name and in fact, by the name and style of "The trustees of the village of Binghampton," and by that name they and their successors forever shall and may have perpetual succession, and be persons in the law capable of suing and being sued, and of defending and being defended in all courts and places whatsoever, and in all manner of actions,

causes and complaints whatsoever, and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be at law capable of purchasing, holding and conveying any estate, real or personal, for the public use of said village, and erecting any buildings, aqueducts, and digging any reservoirs for water for the use of said village, and for keeping in repair such buildings, aqueducts and reservoirs, of purchasing and keeping in repair fire-engines, ladders, buckets, and other instruments for extinguishing fire, for improving the streets, erecting hay-scales, and for making any other regulation for preventing and extinguishing fires, preventing or removing nuisances, and relating to the price of fuel in said village, that the said trustees may from time to time deem necessary, and of raising a sum by tax for the purposes aforesaid, not exceeding three hundred dollars in any one year: *Provided*, That no tax shall be levied or money raised, assessed or collected for the purposes aforesaid, and purchase or sale of any real estate be made, and no building or reservoir be made or disposed of without the consent of the freeholders and inhabitants of said village, or the major part of them, at the annual meeting for the election of trustees first obtained.

Proviso.

Bye-laws
may be
made.

III. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a major part of them, and their successors, to make, ordain, constitute and publish such prudential bye-laws, rules and regulations as they from time to time shall deem meet and proper, and for the benefit of said village, relating to the objects in the next preceding section, and not inconsistent with the laws of this state or the United States; and it shall be lawful for the said trustees to ordain, constitute and publish such fines and forfeitures for the breaking of any such bye-laws, rules and regulations as they may think expedient: *Provided nevertheless*, That no forfeiture or fine shall be inflicted over and above the fine of ten dollars for any one offence against such bye-laws.

Proviso.

IV. *And be it further enacted*, That the freeholders and inhabitants qualified to vote for the trustees as aforesaid, at their annual meeting shall, and they are hereby authorized to choose one treasurer and one collector, being freeholders of said village, and the person having the greatest number of votes for each office respectively shall be deemed duly chosen; and in case a vacancy shall happen in either of the above offices, by death, removal from said village, or refusal to serve, the trustees shall have the power of appointing some other freeholder of said village to supply such vacancy until the next annual meeting, and the person so appointed shall be liable to the same penalties and restrictions as if duly elected at the annual meeting.

Treasurer
& collector
to be
chosen.

V. *And be it further enacted*, That the trustees, treasurer and collector shall, before they proceed to execute their respective offices, and within ten days after their election, respectively take and subscribe an oath of affirmation before any justice of the peace of the county of Broome for the faithful execution of the office or trust to which they may be severally elected: *Provided nevertheless*, That the said treasurer and collector before they take the oath or affirmation aforesaid shall respectively give security to the trustees of said village for the respective discharge of their respective offices in such sum as a majority of them shall deem sufficient.

Officers to
take an
oath.

Proviso.

VI. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a majority of them, to appoint not exceeding twenty-five firemen out of the inhabitants of said village, and the same or any of them to remove at pleasure, and to appoint others in their stead, to regulate the times of meeting and exercises of said company of firemen, to appoint their captain and other officers, and to make such bye-laws, rules and regulations for the government of said company, and inflict, ordain and establish such penalties for the breaking or disobeying such bye-laws, rules and regulations as they may deem expedient: *Provided*, That no fine or penalty shall be inflicted on any fireman

Firemen
may be ap-
pointed.

Proviso.

exceeding two dollars for any one offence, and that the trustees shall have the power of remitting such fines and penalties whenever a majority of them shall deem it proper.

Fees to be assessed.

VII. *And be it further enacted*, That it shall be the duty of the said trustees and their successors annually to assess on the several inhabitants and freeholders living in said village the amount of the taxes which the freeholders and inhabitants of said village shall at their annual meeting determine to be raised, levied or collected, in proportion to the property and situation of the inhabitants so to be assessed, and the advantages they shall respectively derive from said tax, and they shall also execute the offices of fire-wardens of said village in cases of fire: *Provided*, That if any person shall deem him or herself aggrieved by any such assessment as aforesaid, it shall be lawful for any such person to appeal from the determination of the trustees to any three justices of the peace in the county of Broome, giving notice to the said trustees of such appeal, and of the time and place for determining thereof by such justices, who shall hear the same and do therein what to justice shall appertain.

Proviso.

President to be chosen.

His duty.

VIII. *And be it further enacted*, That the trustees within twenty days after their election, or a major part of them, shall, and it is hereby made their duty to assemble at some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the board of trustees, and some other suitable person to be clerk of said board of trustees; and it shall be the duty of the president to preside at the meetings of the trustees, to order extraordinary meetings whenever he may conceive it for the interest of said village, to see that all the by-laws and regulations of said village are enforced and faithfully executed, to prosecute in the name of the trustees all offences against or violations of the by-laws ordained and published as aforesaid, to keep the seal of said village and to affix it, together with his signature, to all such rules and regulations as a majority of the trustees shall deem proper; and in case of the

death, removal or inability of the president to discharge the duties of his office, it shall be the duty of the secretary to notify the other trustees of such death, removal or inability, who shall within ten days thereafter meet and elect another president out of their body to hold the office until the next annual meeting; and it shall be the further duty of the president to take care of and preserve all the property belonging to the village, to preside over all public meetings of the village, and to do all other things proper for the president of the village to do; and it shall be the duty of the clerk to keep the minutes of all such votes, orders, rules and regulations as are made by the freeholders and inhabitants of said village at their public meetings, and also to attend the meetings of the trustees and record all the bye-laws, rules and regulations passed by them; and the trustees shall have the power to remove such clerk and appoint another, and to appoint one pro tempore in the absence of the clerk; and the clerk shall receive such compensation for his services as the trustees shall deem sufficient, to be paid out of the funds of the village.

IX. *And be it further enacted*, That the collector shall within such time as shall be hereafter limited by the bye-laws of the corporation, after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same over to the treasurer; and that such collector shall have and exercise the same power in the collecting of said taxes by distress and sale as the several collectors of towns have in the levying and collecting of taxes; and that all monies which may at any time be in the hands of the treasurer shall be liable to be drawn out by the trustees, or a majority of them, and applied agreeable to the provisions of this act.

X. *And be it further enacted*, That the said trustees shall keep an account of their necessary disbursements, and on exhibiting the same to the treasurer shall be entitled to receive the amount thereof out of any monies in the treasury; and the treasurer and collector shall receive for their several services such suit-

Collectors
duty.

Expences
of the trus-
tees to be
paid.

able compensation as the freeholders and inhabitants of said village shall at their annual meeting determine.

Penalty for
refusing to
serve
when
elected.

XI. *And be it further enacted*, That if any one of the inhabitants of said village qualified as aforesaid shall be elected or chosen a trustee, and shall refuse or neglect to serve as such, it shall be lawful for the trustees who do accept and serve, or the majority of them, to impose upon such person so neglecting or refusing a fine not exceeding ten dollars for any one offence; and that every fine and penalty imposed agreeable to the provisions of this act may be sued for and recovered in the name of the trustees, in an action of debt, in which it shall be sufficient for the trustees to declare generally that the defendant is indebted to them by virtue of this act.

Notice to
be given of
meetings.

XII. *And be it further enacted*, That it shall be the duty of the president to give notice to the inhabitants of said village of all public meetings at least one week previous thereto, in such manner as a majority of the trustees may deem proper; and that it shall be lawful for the trustees, or a majority of them, to call a public meeting of the inhabitants of said village whenever they may think it expedient.

Fines, &c.
how dis-
posed of.

XIII. *And be it further enacted*, That all fines, penalties and forfeitures, and all monies obtained in any manner whatever by virtue of this act, shall be paid into the hands of the treasurer for the use of said village; and the treasurer shall, and he is hereby authorized in case any person having so received any money by virtue of this act to and for the use and benefit of said village, and shall refuse or neglect to pay the same to him, to prosecute every such offender in the name of the trustees of said village for monies had and received to and for the use of said village.

This act
may be re-
pealed or
altered.

XIV. *And be it further enacted*, That it shall be lawful for the legislature at any time to repeal or amend this act.

CHAP. CXVI.

An ACT vesting further powers in the Trustees of the Village of Newburgh. Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That the trustees of the village of Newburgh and their successors shall be and they are hereby appointed commissioners of streets, roads and highways within the village of Newburgh.

II. *And be it further enacted,* That it shall and may be lawful to and for the said trustees, or any four of them, and they shall have and possess exclusive power to lay out streets, roads and highways within said village of such width, extent and direction as to them shall seem most conducive to the public good, and to shut up, divert and discontinue, or order to be shut up, diverted or discontinued, any streets, roads or public highways, or any parts or sections thereof within said village; and it shall be the duty of said trustees to lay out said streets, roads or highways of such ample width as they may deem sufficient to secure a free and abundant circulation of air among said streets, roads and highways when the same shall be built upon; and whenever the said trustees or any four of them shall shut up, divert or discontinue, or order to be shut up, diverted or discontinued, any street, road or highway in said village, or any part or parts thereof, that then and in such case it shall be lawful for the owner or owners of the land or soil thereof thereupon to take possession thereof and to hold and enjoy the same, to his, her and their own use.

III. *And be it further enacted,* That it shall and may be lawful to and for the said trustees, and for all persons acting under their authority, to enter in the day time into and upon any lands, tenements and hereditaments which they shall deem necessary to be surveyed, used or converted for the laying out, opening, and forming of any street or road as aforesaid; and that the said trustees, or any four of them, shall cause two similar maps of such streets or roads so to be laid out by them as aforesaid, and of the limits bounding the lands by them surveyed to be made, accompanied with such field notes and elucidatory remarks as the nature of the subject

Trustees shall have power to lay out streets and roads.

They may enter on lands for that purpose.

may require, which maps, accompanied with such ~~fel~~ notes and remarks, shall be attested by the said trustees or any four of them, before any person authorized to take acknowledgments of deeds and conveyances, ~~one~~ of which maps shall be filed in the office of the ~~clerk of~~ the county of Orange, there to remain of record, ~~and~~ the other of said maps to belong to and to be retained by said trustees.

Damages
how to be
estimated.

IV. *And be it further enacted,* That whenever the said trustees of the village of Newburgh shall be desirous to open any streets, roads or highways so to be laid out as aforesaid, it shall be lawful for the said trustees to agree with the owner or owners of such lands, tenements or hereditaments for and about a reasonable compensation to be made to him, her or them for such lands, tenements or hereditaments, and in case of disagreement or in case such owner or owners shall be feme covert, under age, non-compos mentis, or out of the village of Newburgh, that then it shall be lawful for any two judges of the court of common pleas in and for said county of Orange, upon the application of either party, to nominate and appoint three discreet and disinterested persons, being citizens of said state, commissioners to view said lands, tenements and hereditaments, and to estimate the damage such owner or owners will respectively sustain by relinquishing the lands, tenements or hereditaments so required of them for the purposes aforesaid, and upon the coming in of such report, signed by the said commissioners, or any two of them, and the confirmation thereof by the said court of common pleas, the said trustees shall proceed to cause the same to be assessed by the assessors of said village upon all the property intended to be benefitted thereby in proportion as nearly as may be to the advantage which each shall be deemed thereby to acquire; and the said assessors after having made said assessment or estimate, shall certify the same in writing to the said trustees, and being ratified by the said trustees at their meeting, shall be binding and conclusive upon the owners and occupants of such lots so to be assessed respectively, and shall be a lien or charge on such lots aforesaid, and such owners or occupants shall also re

Assess-
ments how
to be made

spectively be liable on demand to pay the sum at which such houses or lots respectively shall be so assessed to the collector of said village; and in default of such payment, or any part thereof, it shall be lawful for the said trustees, or any four of them, of whom the president of said village shall be one, by warrant under their hands and seals, to levy the same by distress and sale of the goods and chattels of such owner or occupant refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale to such owner or occupant, and the money, when collected or recovered, shall be paid to the person or persons in whose favor the report for compensation may be made, in full satisfaction for such lands, tenements and hereditaments, and upon such assessment being completed the said trustees shall be and become seized in fee of all such lands, tenements and hereditaments, and thereupon the said trustees, or any person acting under their authority, may immediately take possession of the same without any suit or proceeding at law for that purpose, in trust nevertheless that the same be kept open for a public street, road or highway: *Provided nevertheless*, That it shall be at the election of the owner or occupant of the land so included in any street, road or highway, to have his damages assessed by three commissioners as aforesaid, or by two justices of the peace and a jury, according to the provisions of the fifteenth section of the act entitled "An act to regulate highways," in which last case the costs of such assessment shall be paid as is in the said section of the said act provided.

V. *And be it further enacted*, That whenever any of the proprietors of any such lands, tenements or hereditaments shall be infants, non compos mentis or absent from the said county of Orange, the said trustees may pay the sums mentioned in such report that would be coming to such proprietors respectively into the said court of common pleas, to be secured, disposed of and improved as the said court shall direct, and such payment shall be equally valid and effectual as if made to such proprietors themselves if they had been present, of full age and compos mentis.

Monies raised on lands belonging to infants &c. how to be disposed of.

Trustees
may sue
for taxes
assessed

VI. *And be it further enacted*, That it shall be lawful for the said trustees, instead of the remedy herein above provided, if they shall see fit, in case any owner or occupant of any lands or tenements within said village shall neglect or refuse to pay the tax assessed as aforesaid, to sue for and recover the amount of the same from the owners of such lands or tenements, with interest and costs, in any court in the state having cognizance thereof, in an action of debt, in which action it shall be sufficient for the said trustees to alledge that the said defendant or defendants, or his, her or their testator or intestate is or are indebted to the said trustees in the sum so assessed as aforesaid, whereby an action hath acted according to the form of the statute entitled "*An act vesting further powers in the trustees of the village of Newburgh,*" to demand and have of the said defendant or defendants, his, her or their testator or intestate, the said sum of money without setting forth the special matter.

' This act
shall not
affect a-
greements
between
landlord
and tenant

VII. *And be it further enacted*, That nothing in this act contained shall affect any agreement between landlord and tenant respecting the payment of any such tax, but they shall be answerable each to the other in the same manner as if this act had never been passed; and if any money so to be assessed shall be paid by any person when by agreement or by law the same ought to have been paid by some other person; then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs, in any court having cognizance thereof, in an action of debt, for so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, with proof of payment, shall be conclusive evidence for the plaintiff in such suit.

VIII. *And be it further enacted*, That the village of Newburgh shall be considered as a town for all the purposes intended by this act, and by the act entitled "*An act to regulate highways,*" and the several acts supplementary thereto, except that the overseers of streets, roads and highways for said village shall be chosen and appointed by the trustees of said village.

IX. *And be it further enacted*, That if any person shall be sued for any thing done in pursuance of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter of defence in evidence under such plea.

Persons
sued under
this act
may give
the special
matter in
evidence.

CHAP. CXVII.

An ACT to alter the line between the Counties of Jefferson and Lewis, and to erect a new Town by the name of Wilna. Passed April 2, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the boundary line between that part of the counties of Jefferson and Lewis lying on the east side of the Black River, shall hereafter be as follows, to wit: beginning at the Black river, at the south-easterly corner of the town of Champion, thence up the said river to a point where the division line between the nineteenth and twentieth northern ranges of lots of great lot number four of Macomb's purchase strikes the river, then easterly along said line to the south-west corner of the lot in the twentieth northern and eighth western ranges, then northerly along the line between the eighth and ninth western ranges to the south-west corner of the lot in the twenty-third northern and eighth western ranges, then easterly along the division line between the twenty-second and twenty-third northern ranges to the south-west corner of the lot in the twenty-third northern and fifth western ranges, then north to the south line of great lot number four, then easterly on said line to the corner of lots No. 904 and 942 of great lot No. 4, then northerly on the line between lots No. 904 and 942 to the southerly line of lot No. 905, then westerly along said line to the most westerly corner of said lot No. 905, then northerly on the line between lots No. 900 and 905 and the same course continued to the most westerly corner of lot No. 908, then westerly on the line between lots No. 897, 898 and the same course continued to the most-westerly corner of lot No. 866 on the line between the said counties.

Line be-
tween Jef-
ferson and
Lewis al-
tered.

Town of
Wilna re-
mained.

II. *And be it further enacted*, That from and after the first day of January next all the tract included between the bounds mentioned in the first enacting clause of this bill, and the boundaries between the counties of Lewis and Jefferson on the east side of the Black river, as the same existed previous to the passing of this law, together with all that part of the town of Le Ray bounded southerly by the Black river, easterly and northerly by the above mentioned line and the town of Antwerp, and westerly by a line beginning at the most easterly corner of lot No. 710, and running southerly on the division line between lots No. 710 and 730, and the same course continued until it intersects the Black river, be erected into a new town by the name of Wilna, and that all the remaining part of the town of Le Ray and all the remaining part of the town of Leyden shall be and remain separate towns as heretofore, by the respective names of Le Ray and Leyden, and the next town meetings in the said towns of Le Ray and Leyden shall be held where they now stand adjourned to in said towns.

Poor and
poor money divid-
ed.

III. *And be it further enacted*, That as soon as may be after the first town meeting shall be held in the town of Wilna, the supervisors and overseers of the poor of the said towns of Wilna, Le Ray and Leyden, on notice being first given by the said supervisors, shall meet together and divide the poor and money belonging to the towns of Le Ray and Leyden previous to the division thereof, agreeably to the last tax list, and that each of the said towns shall thereafter respectively maintain their own poor.

IV. *And be it further enacted*, That the first town meeting in said town of Wilna shall be holden at the house of Thomas Brayton, junior, Inn-keeper in said town.

CHAP. CXVIII.

An ACT for improving the navigation of the River Bronx. Passed April 2, 1813.

Preamble. **W**HEREAS David Lydig, Herman Vosburgh, James Bathgate, Peter and George Lorillar and Peter A. Mersier, owners of manufactories estab-

lished at and near the head of the tide waters of a certain creek or river called the Bronx, situate in the county of Westchester, have by their petition to the legislature, represented that the navigation of the said creek is susceptible of great improvement, by certain alterations in the course thereof, and that they are willing to defray the expences incident to such improvements: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That Abraham Miller, William Hoffman and Jared Peck, be and they hereby are appointed commissioners to survey and examine the said creek from its outlet to the oil mill owned by the Bronx river paint company, and to designate the place or places, if any between those points in which according to their judgment, it may be expedient to straighten or otherwise alter the course of the said creek and improve the navigation thereof, in order to promote the convenience and security of the said navigation, a report of which survey, under the hands of the said commissioners, or any two of them, designating the intended alterations in the course of the said creek, duly proved or acknowledged before a master in chancery or one of the judges of the court of common pleas of the said county of Westchester, shall be filed in the clerk's office of the said county.

Commis's
to exam-
ine the
creek.

II. *And be it further enacted,* That the said commissioners, or any two of them, shall have power to appraise and assess the damages which may be sustained by the owner or owners of any land which may be required for the bed of the said creek by reason of such alteration in the course thereof and improvement of the navigation of the same, which appraisement, under the hands of the said commissioners, or any two of them, being first acknowledged or proved as aforesaid, shall be filed in the said office: *Provided,* That the said commissioners, previously to such appraisement shall meet at some convenient place in the town of Westchester, for the purpose of hearing the allegations and proofs of the owners of the said lands, as to the extent of the

They shall
have pow-
er to as-
sess dam-
ages.

Proviso.

said damages, and that at least eight days notice the time and place of such meeting shall be published in the nearest public newspaper printed within the said county, and that a copy of the said notice shall also be affixed on the outer door of the house in which is kept the public post-office in the village of West-lux.

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III. *And be it further enacted*, That it shall and may be law ful for the said David Lydig, Herman Vosburgh, James Rathgate, Peter and George Lorillard and Peter A. Messer, or any of them, at any time hereafter, having first, and within six years after the filing of the report of the survey aforesaid, in the office aforesaid, paid or tendered to the said owners respectively the sums which shall be awarded to them respectively by the said appraisement; to enter on the said land with their servants, workmen, teams and cattle, and to dig out a new channel or bed for the said creek, in the place or places so designated by the said commissioners, and to erect and put across the present bed or channel of the said creek, such mounds, dams, or obstacles as may be necessary to divert the course thereof into such new channel or bed, and make or cause to be made such said improvements in the navigation of the said creek: *Provided always*, That the said creek, notwithstanding any such alterations and improvements shall forever be and remain free and open to all the citizens of this state, to sail upon and navigate, pass and repass, use and enjoy the same, with boats, vessels, and other craft, in like manner, to all intents and purposes as has been heretofore done: *And provided also* That nothing herein contained shall be so construed as to authorize any alteration or change in the outlet of the said creek or river.

Proviso.

CHAP. CXIX.

An ACT to alter the time of holding Town-Meetings in the Town of Virgil, in the County of Cortland.

Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New York, represented in Senate and Assembly, That the town meetings hereafter to be holden in the town



of Virgil, in the county of Cortland, shall be holden on the first Tuesday of March annually, and that all town officers whose duty it was to meet on the last Tuesday in April, shall meet on the last Tuesday of March, to do and transact such business as to their respective offices may appertain.

CHAP. CXX.

An ACT to divide the Town of Murray, in the County of Genesee, into three Towns. Passed April 2, 1813.

BE it enacted by the people of the state of New York, represented in Senate and Assembly, That from and after the day preceding the first Tuesday in April, one thousand eight hundred and fourteen, all that part of the town of Murray, in the county of Genesee, beginning at the south-east corner of the said town, thence running northwardly on the dividing line between the towns of Riga and Murray to the north line of township number two on the triangle, from thence due west to the transit line, from thence due south on the dividing line between the towns of Batavia and Murray, to the south-west corner of said town of Murray, from thence due east to the place of beginning on the dividing line between the towns of Calsonia and Murray, be and hereby is erected into a separate town by the name of Bergen, and the first town-meeting shall be held at the house of Samuel Butler in said town. Bergen
erected.

II. *And be it further enacted,* That from and after the day preceding the first Tuesday in April one thousand eight hundred and fourteen, all that part of the said town of Murray, beginning at the south-east corner of the last described town, and running northwardly on the dividing line between the towns of Riga and Batavia to the north line of township number three on the triangle, from thence due west to the transit meridian line, from thence due south on said transit line to the north-west corner of the first described town, from thence due east to the place of beginning, be and hereby is erected into a separate town by the name of

Sweden
erected.

Sweden, and the first town-meeting shall be held at the house of Johnson Beedle in said town.

III. *And be it further enacted*, That from and after the day preceding the first Tuesday in April one thousand eight hundred and fourteen, all the remaining part of the said town of Murray shall be and remain a separate town by the name of Murray, and the first town-meeting in the said town shall be held in the house of Henry McCall.

Poor and
poor money to be
divided.

IV. *And be it further enacted*, That as soon as may be after the first town meetings in said towns, the supervisors and overseers of the poor of the aforesaid towns shall, by notice previously given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Murray, and the poor money belonging to the same previous to the division thereof, agreeably to the then last tax list, and that each of the aforesaid towns shall forever thereafter maintain its own poor.

CHAP. CXXI.

An ACT to amend an act entitled "An act to incorporate the Owego and Ithaca Turnpike Company."

Passed April 2, 1813

I. **B**E it enacted by the people of the state of New York represented in Senate and Assembly, That the president and directors of the Owego and Ithaca turnpike company be and they are hereby authorized to build a bridge between the village of Ithaca and the head of the Cayuga lake, over that part of the road which is flooded and obstructed by the waters of the creek commonly called Fall Creek, and as soon as the said bridge shall be completed, to erect a toll gate or near said bridge, and to collect thereat a toll amounting to one half of the toll authorized and allowed to be taken at a gate on the turnpike road between the village of Owego and the village of Ithaca.

II. *And be it further enacted*, That it shall be lawful for the president and directors of said company to suffer waggons, the tire whereof shall be at least six inches wide, to pass the gates on said road toll free, and waggons with tire four and an half inches wide,

pass on paying half toll, and to exact and receive for every additional ox or horse over a span, used before any cart or waggon with narrow tire, six and one fourth cents, and for every one horse waggon, six cents, and for every sleigh or sled drawn by one horse, four cents.

CHAP. CXXII.

An ACT to repeal those parts of the act passed March 23d, 1810, and April 8th, 1811, respecting the Mechanics' Bank in the City of New-York, which relate to the appointment of two Directors in behalf of this State.
Passed April 2, 1813.

WHEREAS this state, for the consideration mentioned in an act respecting the subscription of this state to the Mechanics' Bank in the city of New-York, and for other purposes, passed April 8, 1811, did transfer to the said corporation all its interest in the capital stock of said bank: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That that clause of the fourth section of the act entitled "An act to incorporate the Mechanics' bank in the city of New-York," which entitles the state to two additional directors in the bank, to be appointed in such way as the legislature thereafter should prescribe, and the sixth section of the said herein before mentioned act, passed April 8, 1811, which designates the time and mode of their appointment, be and the same is hereby repealed.

CHAP. CXXIII.

An ACT to incorporate the Amsterdam Bridge Company.
Passed April 2, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That S. Voorhees and others incorporated. Samuel Voorhees, Benedict Arnold, George M'Elcheran, John P. Davis, Marcus T. Reynolds and Harmanus A Veeder, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of "The president and directors of the Amsterdam bridge company," for the purpose of building a bridge Their style, &c. over the Mohawk river between the towns of Amster-

dam and Florida at the most convenient place within one half a mile of the ferry commonly called Deforest's ferry; and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided* the real estate so purchased shall be such only as shall be necessary to promote or attain the object of this incorporation.

Affairs to
be managed
by 5
trustees.

II. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed, directed and conducted by five directors, who shall be stockholders, and shall, together with a treasurer, be annually chosen and elected on the first Monday of July in every year, at such place in the village of Amsterdam as the directors for the time being shall appoint, of which notice shall be given in one of the newspapers printed in the county of Montgomery, at least thirty days before the day of meeting; and the said election shall be held and made by such of the stockholders as shall attend for that purpose, either in person or by proxy, which proxies shall always be stockholders; and all elections shall be by ballot, and such persons as shall have the greatest number of votes given as treasurer shall be treasurer, and in like manner such five persons who shall have the greatest number of votes given as directors shall be directors, and shall hold their offices for one year, and until others are elected in their places; that if any vacancies shall happen by death, resignation or otherwise, such vacancies shall be filled for the remainder of the year in which they may happen, by the appointment of the other directors for the time being, or a majority of them,

and that the first directors shall be Samuel Voorhees, ^{First trustees.} Benedict Arnold, Salmon Waters, Joseph Elizbee and Jarmanus A. Veeder, and the first treasurer shall be Marcus T. Reynolds, who shall hold their offices until the first Monday in July, in the year of our Lord one thousand eight hundred and fourteen, and that the said directors at their first meeting appoint one of their number president.

III. *And be it further enacted,* That the number of shares or subscriptions constituting the stock or fund of the said corporation shall not exceed four hundred shares; that each share shall be fifty dollars, and each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have or hold in his or her name. ^{Stock.}

IV. *And be it further enacted,* That it shall not be lawful for any person or persons to erect any bridge or establish any ferry or ferries across said river within one mile from the place where the bridge aforesaid shall be erected and built by the said company; but it shall and may be lawful for any person or persons to pass and repass with his or their own boat, or on the ice, without being subject to toll. ^{Penalty for erecting a bridge or setting up a ferry near said bridge.}

V. *And be it further enacted,* That in case the aforesaid bridge shall not be erected, built and completed on or before the first day of August in the year of our Lord one thousand eight hundred and eighteen, then the corporation created by this act shall be adjudged and considered as dissolved. ^{Time allowed for building said bridge.}

VI. *And be it further enacted,* That it shall and may be lawful for the said president and directors to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, to the said president, directors and company. ^{Monies subscribed may be demanded}

VII. *And be it further enacted,* That as soon as the said bridge shall be finished and completed, and the judges of the court of common pleas in and for the county of Montgomery, or any two of them, shall up- ^{Rates of toll.}

on inspection certify under their hands that the said bridge is well and sufficiently constructed and built and will admit of the passage of teams with loaded carriages, it shall and may be lawful for the said president and directors to erect a gate at either end of the said bridge, and demand, receive and take for the use of the said corporation, a toll not exceeding the following rates, to wit: for every four wheel pleasure carriage drawn by four horses, twenty-five cents, if drawn by two horses, twenty cents; for every curricule, chaise, chair or sulkey drawn by one horse, twelve and an half cents, if drawn by two horses, twenty cents; every waggon and two horses, twelve and an half cents, and three cents for every additional horse; every sled or sleigh drawn by two horses, twelve and an half cents, and three cents for every additional horse; each waggon or cart drawn by two oxen, twelve and an half cents, and each additional yoke of oxen, six cents; every one horse cart, six cents; every one horse waggon, sleigh or sled, nine cents; every man and horse, six cents; every foot passenger, two cents; every horse, jack or mule, three cents; every cow or other small cattle, two cents; every score of hogs or sheep, five cents, and so in proportion for a greater or less number; and it shall be lawful for the toll gatherer at the gate to stop every foot passenger, and any person riding, driving or leading any beast or carriage from passing through such gate until they shall have respectively paid the toll therein.

VIII. *And be it further enacted,* That if any person or persons shall wilfully do or cause to be done an act whatsoever whereby the said bridge, or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending shall be and pay to the said company treble the amount of damages sustained by means of such offence or injury to be recovered by said company, with costs of suit in an action of trespass, in the name of the treasurer of said company, to their use, in any court of record having cognizance thereof, which action shall in every instance be considered transitory in its nature.

Penalty for
injuring
the bridge

IX. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected on said bridge in pursuance of this act, or shall cause his or their horse, carriage, waggon, sled, cattle or other thing to pass the same without having paid the legal toll for passing the said bridge, such person or persons shall forfeit and pay a fine not exceeding ten dollars or less than one dollar, to be recovered in the name of the treasurer of said corporation, to their use, in an action of trespass, which action shall in every instance be considered as transitory in its nature.

Penalty for
passing
the gate
without
paying toll.

X. *And be it further enacted*, That if the said bridge, after the same shall have been completed, shall at any time be impassible for the term of thirty days, then the said corporation shall cease, and the same is hereby declared in such case to be dissolved: *Provided nevertheless*, That no such dissolution of the said corporation shall take place if the said bridge shall be carried away by ice, freshets, or any unavoidable accidents, in case the same shall be rebuilt within two years after the same shall be carried away: *And provided also*, That nothing in this act contained shall be deemed to prohibit ferriages across the said river until the said bridge is completed; and during such time as the said bridge shall be so out of repair as not to admit of the safe passing the same.

Company
dissolved
if the
bridge is
impassa-
ble for 30
days.

XI. *And be it further enacted*, That the shares in the said company shall be deemed, taken and considered to be personal estate, and shall be transferable in such manner and under such regulations as the president, directors and company shall direct.

Stock con-
sidered
personal
estate.

XII. *And be it further enacted*, That the president and directors for the time being, or a majority of them, shall annually on the first Monday of July in each year, lay before the stockholders of the said corporation a general statement of their accounts and proceedings, which said statement it shall be the duty of the president and directors to lodge with the treasurer at least ten days previous to such annual meetings for the inspection and examination of stockholders.

Accounts
to be ex-
hibited an-
nually.

Lands may
be entered
on for
building
bridge.

XIII. *And be it further enacted, That the president and directors, their agents, artists, or other persons employed by them, may enter on and take possession of the lands on each side of the said river where the said president and directors shall determine to build said bridge; and in case said land so to be taken possession of shall not be part of the public highway, the said corporation shall, before taking the possession of any such land, pay the owner or owners thereof on receiving a conveyance of the land, the value of so much of the same as may be necessary for making said bridge and erecting and establishing a gate, toll-house and all other works to the said bridge belonging; and in case of disagreement between the parties as to such value, the same shall and may be ascertained by three indifferent freeholders of the county where the land shall lie, who shall be appointed for that purpose and sworn to make a just valuation, by the judges of the court of common pleas not interested, or a major part of them, held for the same county, on application made to them by the said president and directors for such appointment; and it shall be the duty of said president and directors to make such application within six weeks after possession taken of such lands and disagreement as to the value thereof: *Provided always, That if the said bridge shall be carried away by ice, or be otherwise destroyed, or become impassible for carriages, and be not rebuilt within two years after such bridge be so carried away by the ice, or be otherwise destroyed, or be not rendered passible for carriages within thirty days after becoming impassible as aforesaid, that in either of the said cases the said president, directors and company, or the stockholders of the said company, if this corporation shall become dissolved, shall re-convey to the said owners respectively, and their respective heirs and assigns, if thereunto required, such parts of the land now belonging to the said owners: shall be appropriated or be obtained by the said president, directors and company, by appraisement or otherwise, for the use of the said company, at and for such sum or sums of money as the said owners respec**

tively shall receive for the same; and if the said president, directors and company, or the stockholders thereof, if the corporation shall become dissolved, shall, during twenty days after such request made, refuse or neglect to execute such conveyance, such land shall become vested in the said owners respectively making such request, in the same manner as the said owners respectively held the same before it was obtained or appropriated as aforesaid.

XIV. *And be it further enacted*, That this act shall be in force for the term of twenty-one years after the completion of the said bridge, and toll is received for passing thereon, and no longer.

CHAP. CXXIV.

An ACT to enable the Trustees of the German Reformed Church in the City of New-York to sell certain lots of land.

Passed April 2, 1813.

WHEREAS the trustees of the German reformed church in the city of New-York, by their petition, have applied to the legislature to be authorized to sell certain lots of ground in order to enable them to discharge their lawful debts: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees of said church to sell, dispose of and convey, in fee simple, all those six certain lots of land, or any part thereof, situate, lying and being in the tenth ward of the city of New-York, being lots numbers two hundred and sixty-three, two hundred and sixty-four, two hundred and sixty-five, two hundred and sixty-six, two hundred and sixty-seven, and two hundred and sixty-eight, as described in the map of Delancy's land, and fronting on First, Second and Pump-streets.

CHAP. CXXV.

An ACT to prevent the interruption of public religious Worship in the City of Albany.

Passed April 2, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees of any religious society in the

city of Albany, with the consent of the mayor or recorder or any two aldermen of the said city, to erect barriers across any streets in the said city contiguous to the respective places of worship in the said city, so as to prevent the passage of carriages during *divine* service on the sabbath day and such other days as shall be set apart for public religious worship by lawful authority: *Provided always*, That such barriers shall not be erected before nine o'clock in the forenoon, nor continued after five o'clock in the afternoon, and shall not obstruct the side walks of any street.

CHAP. CXXVI.

An ACT for the relief of the Minister, Elders and Deacons of the Reformed Protestant Dutch Church of Linlithgow, in the Town of Livingston, in the County of Columbia. Passed April 2, 1813.

WHEREAS the minister, elders and deacons of the reformed Dutch church of Linlithgow, in the town of Livingston and county of Columbia, have by their petition represented, that Robert Livingston, Esquire, by his will, dated in the year one thousand seven hundred and twenty-eight, devised forty acres of land for a minister's house to be erected thereon, and sixty acres for a farm, the whole to constitute a glebe, and twenty acres for the use of a clerk or reader in said church; and that the interest of the society requires, that another church, in a different situation, should be erected, and that these premises should be sold or exchanged for other land in that town: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the minister, elders and deacons of the reformed Dutch church of Linlithgow, in the town of Livingston and county of Columbia, or their successors, to sell and convey the whole or any part of the real estate of which they are seized, situated in the town of Livingston aforesaid, and a deed executed under their corporate seal, or under the hand and seals of the said minister, elders and deacons, or a majority of them for the time being, shall be valid and sufficient to convey the title to the purchaser in fee.

II. *And be it further enacted*, That all money arising from the sale of the aforesaid premises, shall be invested in the purchase of other land, situate in the town of Livingston aforesaid, which land shall vest in the said minister, elders and deacons, and be held by them for the same uses and purposes, that the land hereby authorised to be sold by them are now held, and for no other uses or purpose whatsoever : *Provided always*, That nothing herein contained, shall authorise the sale of the site of the present church in the village of Linlithgow, nor of the burying ground belonging thereto.

CHAP. CXXVII.

An ACT for the relief of the heirs of John Thurman, deceased, and for other purposes.

Passed April 5, 1813.

WHEREAS Ralph Thurman, as executor and heir, and in behalf of himself and the other heirs of John Thurman, deceased, hath represented to the legislature, that the said John Thurman, in his lifetime, was seized of several tracts of land in the county of Washington, supposed to contain about forty thousand acres, upon which there is now due to the people of this state a large sum of money for arrears of quit rents : And whereas the said John Thurman, in his lifetime, by the name of John Thurman the younger, obtained a judgment in the supreme court of the late colony of New-York, against John Wetherhead, on which there is now due for principal and interest, the sum of four thousand and fifty-two dollars and seventy-four cents, and which judgment is now a lien upon lands sold by the people of this state, in consequence of the attainder and conviction of the said John Wetherhead, for adhering to the enemy during the revolutionary war : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the comptroller be, and he is hereby authorised and required to allow and credit the aforesaid sum of four thousand and fifty two dollars and seventy-four cents,

Comptroller directed to credit & allow certain coun

being the amount due for principal and interest on the said judgment, towards the satisfaction of any quit rents due to the people of this state from the heirs of the said John Thurman, deceased, and that upon the payment into the treasury of the balance remaining due on such quit rents after crediting the said sum of four thousand and fifty-two dollars and seventy-four cents, the comptroller shall give a certificate of the discharge of the said quit rents, and the aforesaid lands belonging to the heirs of the said John Thurman, deceased, now chargeable therewith, shall be therefrom exonerated and discharged accordingly.

§5000 to be paid out of certain quit rents. II. *And be it further enacted,* That the sum of five thousand dollars, appropriated by the act entitled "An act to lay out and improve a road from Hadley landing, to intersect the great road leading from Glen's Falls to the Schroon lake," passed February twelfth, one thousand eight hundred and thirteen, shall be paid by the treasurer, on the warrant of the comptroller, in the manner directed by the said act, *out of* the first monies arising from the arrears or commutation for quit rents due, and hereafter to grow due to the people of this state.

CHAP. CXXVIII.

An ACT relative to Union College Lottery.

Passed April 5, 1813.

I. **B**E *it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the present managers of Union college lottery to make use of the surplus monies in their hands (being the proceeds of sales of tickets signed by them in the first class of Union college lottery number four) towards the payment of prize tickets signed by Stephen Thorn, since deceased, and which may still remain unpaid, in Union college lottery number three, and the first class of number four, and that they render an account to the comptroller within six months of the amount of prizes so paid by them.

II. *And be it further enacted,* That the attorney-general and the comptroller be and they are hereby autho

ized to settle and adjust the accounts of Stephen Thorn, deceased, with his legal representatives, relating to lottery number three, and the first class of number four, and to apply the monies received from them to the repayment of the sums so expended by the managers in the payment of the said prizes signed by Stephen Thorn.

CHAP. CXXIX.

An ACT relative to the Court of Probates and the Office of Surrogate. Passed April 5, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That in case of the death, resignation, or removal from office of any judge of probate or surrogate, it shall be lawful for his successor in office to complete the unfinished business pending before such judge of probate or surrogate at the time of his death, resignation or removal.

CHAP. CXXX.

An ACT authorizing the Governor to hold Treaties with the Indian Nations and Tribes within this State, and for other purposes. Passed April 5, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the person administering the government of this state for the time being, or his agent or agents, to hold a treaty or treaties on the part of the people of this state with the Oneida nation of Indians, or the Christian and Pagan party thereof, or any other of the Indian nations or tribes within this state, for the purpose of extinguishing their claim to such part of their lands lying within this state as he may deem proper, for such sums and annuities as may be mutually agreed upon by the parties.

II. *And be it further enacted,* That it shall and may be lawful for the person administering the government of this state for the time being, to draw from the treasury such sum or sums of money as may be necessary to defray the expence of such treaty or treaties, and for paying such part of the purchase money for the said lands as may be necessary, not exceeding three thousand dollars.

Gov. may hold treaties with the Oneida Indians

\$3000 allowed for that purpose.

Pagan party allowed the use of a certain lot.

III. *And be it further enacted,* That that portion the Oneida Indians known or distinguished by the name or appellation of the Pagan party, shall be entitled to retain for their own exclusive use and occupation, *all* the certain lot of land belonging to the state, situated on the south-west side of Oneida creek, and extending from the mouth of Mud creek to the division line between the Pagan and Christian parties so called, containing about four hundred and twenty-eight acres, until other disposition of said lot shall be made by law.

Oneida grand juries to be charged to present intruders on Indian lands.

IV. *And be it further enacted,* That it shall be the duty of the justices who may hereafter hold any court of oyer and terminer, or of the general sessions of the peace, in and for the county of Oneida, to charge the grand jury to prevent any person or persons, other than Indians belonging to the said Pagan party, who shall intrude, occupy or settle on, or who are now in possession of any part of said lot; and it is hereby made the duty of the attorney of the Oneida Indians to prosecute all and every offender against the provisions of *this act*, who shall on conviction be subject to the like penalties mentioned in the sixty-fourth section of the act entitled "An act for the payment of certain officers of government," passed the 19th day of June, 1812.

CHAP. CXXXI.

An ACT for the preservation of the Fishery in certain waters therein mentioned. Passed April 5, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall not be lawful for any person to draw any seine, set any net or make any weir in any of the small streams within the towns of Mexico, Richland and Scriba, or in Nine mile creek, Red creek, and the two branches of Soda creek, leading into Lake Ontario, or within fifty rods from the mouth thereof, to divert salmon in their usual course in going up the said streams; and every person offending therein shall for every such offence forfeit ten dollars, besides the value of the salmon he may take with such seine, net or weir, to be recovered with cost of suit in any court having cognizance thereof, the half of which forfeitures when recovered shall be paid

the prosecutor, and the other half to the overseers of the highways of the town where such recovery shall be made, to be applied to the repairing of the roads in such town.

CHAP. CXXXII.

An ACT for the relief of John Fleming.

Passed April 6, 1813.

WHEREAS John Fleming, of the town of Salem, in the county of Washington, hath by his petition represented that he being then an alien did in the year one thousand eight hundred and ten, purchase of Patrick Fleming, then also being an alien, a tract of land in the town of Salem aforesaid, containing about eighty acres, without a knowledge of his incapacity to receive a legal conveyance for the same, and praying that the said purchase may be confirmed: Therefore, *Be it enacted by the People of the State of New-York, presented in Senate and Assembly,* That the said John Fleming shall be and he is authorized and empowered to hold and enjoy the said tract of land so purchased of the said Patrick Fleming, as fully and absolutely to him, his heirs and assigns, as he or they might have held and enjoyed the same had he been a natural born citizen of this state at the time of the said purchase: *Provided always,* That nothing herein contained shall be construed to confer on the said John Fleming any other rights appertaining to natural born citizens, except those of taking, holding and disposing of the said tract of land: *And provided also,* That nothing in this act contained shall be so construed or taken as to impair or defeat the lien created by virtue of any judgment of any court of record in this state, or of any mortgage, recognizance or other security obtained against the said Patrick Fleming, which would have been chargeable on the said tract of land, in the like manner as if the said Patrick Fleming had at the time of the filing of the record of such judgment, or making, or executing, or acknowledging such other security, or at any time thereafter, been qualified to receive a conveyance of the said tract of land as a natural born citizen of this state, any

being in this act contained to the contrary thereof
any wise notwithstanding.

CHAP. CXXXIII.

*An ACT for the relief of the heirs of John Devendorf
deceased.* Passed April 6, 1813.

WHEREAS Margaret Devendorf, widow an
administratrix of John Devendorf, late of the
town of German-Flatts, in the county of Herkimer, de-
ceased, Peter G. Helmer, one of the administrators of
the said deceased, Rudolph Devendorf, one of the ad-
ministrators of the said deceased, and guardian of El-
zabeth Devendorf, Margaret Devendorf, Polly De-
vendorf, Christina Devendorf, John Devendorf, Jacob De-
vendorf and Abraham Devendorf, infant heirs of the
said John Devendorf, deceased, and Henry Dygert, of
the town of Frankfort in said county, have by their
joint petition presented to the legislature, set forth that
the said John Devendorf, deceased, during his life time,
by articles of agreement bearing date the seventh day
of January, in the year one thousand eight hundred
and thirteen, did under his hand and seal, covenant and
agree for himself, his heirs, executors and adminis-
trators, to and with the said Henry Dygert, to give to
him the said Henry, on the first day of April, instant,
a warrantee deed of a part, and a durable lease subject
to the usual rents, of the remainder of a certain lot of
land, bought by the said John of Timothy Campbell
lying in the town of German-Flatts, in said county
adjoining lots of land the one owned by Philip Cran-
the other by Peter G. Helmer, containing also
eighteen acres, and that in consideration of the pre-
mises, the said Henry Dygert, for himself, his heirs, ex-
ecutors and administrators, in the same articles
agreement, under his hand and seal, covenanted and
agreed, to and with the said John, his heirs, execu-
tors and administrators, to pay to him the said John,
his heirs and assigns, the sum of seven hundred
seventy-five dollars, with interest, at the times, and
in the manner in the said articles of agreement mention-
ed and prescribed, and that the said Henry has paid

hereof, and is desirous that the said covenants and agreements should be carried into effect on the said first day of April, or at any time within sixty days thereafter, and that in the opinion of the said petitioners, the same would be advantageous to the heirs of the said deceased, and praying the aid of the legislature in the premises : And whereas no person is legally authorized to convey the said land : Therefore,

*I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said Margaret Devendorf, Peter G. Helmer, and Rudolf Devendorf, administrators of the said John Devendorf, deceased, to release and convey by deed of warranty, the said one part, and by a durable lease subject to the usual rents, set off and farm let, unto the said Henry Dygert, his heirs and assigns, the remaining part of the said lot of land, according to the tenor and effect of the said articles of agreement, on the first day of April, instant, or at any time within sixty days thereafter ; and further, that the said deed and lease, by the said administrators made and delivered to the said Henry Dygert, at the time, or within the period last aforesaid, shall have the same effect and force as though the same were made, executed and delivered to the said Dygert by the said John Devendorf, and Margaret Devendorf, his wife, on the said first day of April : *Provided always*, That each conveyance shall not conclude the heirs of the said John Devendorf, deceased, unless the chancellor of this state shall indorse on the same a certificate that he is satisfied with the form of such conveyance, and that the same so made was necessary to fulfil an existing and valid contract, entered into by the said John Devendorf in his life time : *And provided further*, That the said administrators, before such sale shall be made and considered valid, shall execute a bond with two sufficient sureties, to be approved by the chancellor, in such sum as the chancellor shall direct, conditioned for the faithful execution of the trusts and duties vested in them by this act, which bond shall be filed in the office of the register of the court of chan-*

cery, for the benefit of all persons interested in the above sales to be made.

CHAP. CXXXIV.

An ACT to amend an Act entitled "An Act to establish a Turnpike Corporation for improving and making a road from the house of John Roof, in Canajoharie, in Montgomery county, to intersect the Great Western Turnpike, between the house of William Sloan, and the church in Duaneburgh."

Passed April 6, 1813.

BE it enacted by the people of the state of New York, represented in Senate and Assembly, That the time limited for completing the road mentioned in the act hereby amended, shall be extended to the first day of February, one thousand eight hundred and fifteen, any thing in the said act to the contrary notwithstanding.

CHAP. CXXXV.

An ACT authorising William Doty and others to erect a Dam across the Susquehannah River.

Passed April 6, 1813.

BE it enacted by the people of the state of New-York represented in Senate and Assembly, That William Doty and his associates, are hereby authorised to erect a dam across the Susquehannah river, directly between lots number forty on the south, and number one hundred and twenty on the north side of the said river, in Wallace's patent, for the purpose of erecting mills: *Provided*, That the dam so to be erected shall not exceed three feet in height: *And provided further*, That the said William Doty and his associates, shall erect an apron in said dam, of such construction as to render the passage safe and easy, for all boats, arks and rafts, common in said river, at all times during the continuance of said dam: *And provided further*, That if the passage aforesaid shall at any time be obstructed this act shall from thenceforth be absolutely void And also, That such dam shall not affect the rights or property of any individual or individuals, without first obtaining the consent of such individual or individuals any thing in this act to the contrary notwithstanding

CHAP. CXXXVI.

An ACT to amend an Act entitled "An Act for the relief of the settlers on the Cayuga Reservation, and for other purposes," passed 14th February, 1812.

Passed April 6, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That no person shall be entitled to the pre-emption right to any of the lands mentioned in the act hereby amended, unless such person was on the fourteenth day of February, in the year one thousand eight hundred and twelve, an actual occupant of such land, or was on that day the landlord of the occupant of such land, by virtue of a contract before made between them, and the commissioners of the land-office may require such proof of the occupation of such land, and of the making of such contract, as they may deem necessary and proper.

Persons entitled to the pre-emption right.

II. And be it further enacted, That in every case in which there shall be more than one occupant on any of the reverted lots in the Cayuga reservation, which shall have been appraised pursuant to any law of the state granting rights of pre-emption to such lands, it shall be lawful for the commissioners of the land-office to grant to any of such occupants the part to which he shall appear to be entitled by any such law: *Provided*, That such occupant shall produce a map with proper descriptions of such lot, divided according to the claims of the several occupants, made by a competent surveyor, and rendered under oath, together with a certificate under oath, signed by at least two persons to be appointed by the judges of the court of common pleas, or any two of them, which certificate shall state the proportion of the appraised value of such lot which each of such occupants ought to pay, according to the comparative value of his part thereof.

Patents may issue for parts of lots.

III. And be it further enacted, That the proviso in the act entitled "An act for the relief of the settlers on the two miles square reservation, on the east side of Cayuga lake," passed March the 30th, 1810, be, and the same is hereby extended to the first day of January next,

Proviso of an act of 1810 extended.

CHAP. CXXXVII.

An ACT to increase the Powers of the Trustees of the Village of Johnstown, and for other purposes.

Passed April 6, 1813.

I. **B**E it enacted by the people of the state of New-York represented in Senate and Assembly, That the trustees of the village of Johnstown shall at all times hereafter possess the same powers in relation to the said village as are granted to the trustees of the village of Salem by the third section of the act entitled "An act to vest certain powers in the freeholders and inhabitants of the village of Salem, in the county of Washington."

II. *And be it further enacted,* That in case any of the commissioners named in the act entitled "An act for laying out and making a road in the county of Cattaraugus," shall die, resign or refuse to serve, then and in such case it shall and may be lawful for the person administering the government of this state, by appointment under his hand, to fill any vacancy or vacancies which may happen as aforesaid.

CHAP. CXXXVIII.

An ACT to extend the time for completing the Utica Turnpike Road.

Passed April 6, 1813.

BE it enacted by the people of the state of New-York represented in Senate and Assembly, That the time limited for completing the Utica turnpike road by the fourteenth section of the act entitled "An act to incorporate the Utica and Rome turnpike road companies," passed April 10th, 1805, be and is hereby extended to the first day of October eighteen hundred and fifteen, any former act to the contrary notwithstanding.

CHAP. CXXXIX.

An ACT for the relief of the heirs of Thomas Snell, Isaac Huffmeyer, and the executors of Humphrey Shearman.

Passed April 6, 1813.

WHEREAS by the petition of Elizabeth Snell, administratrix of the goods, chattels, rights and credits, and guardian of the children of her late

husband Thomas Snell, deceased, it is represented to the legislature that it would promote the interest of the heirs of the said Thomas Snell to sell part of the real estate of which he died seized: Therefore,

*1. Be it enacted by the people of the state of New-York, represented in Senate and Assembly; That Thomas R. Mercein and Peter Stagg, of the city of New-York, or either of them, in conjunction with the widow of said Thomas Snell, be and hereby are appointed trustees, with full power to grant, bargain and convey in fee the real estate at Mamaroneck, in the county of Westchester, of which the said Thomas Snell was seized at the time of his death, and to vest the money arising from such sale in any stock created by the United States or this state, or to put it at interest on good and secured security, the interest of one third thereof the widow shall be entitled to receive annually during her natural life, and the remaining two thirds to be applied to the maintenance and education of the children of the said Thomas Snell, and to pay the surplus of the interest, with the principal respectively, as well as the said one third of the principal reserved for the use of the said widow after her death: *Provided*, That the above named Thomas R. Mercein and Peter Stagg, or either of them, in conjunction with the widow of the said Thomas Snell, shall, before they make such sale, give a bond to be approved of by the chancellor of this state, to the said children, in such sum as the chancellor shall direct, for the faithful execution of the trust, which bond shall be filed in the office of the register or assistant register of the said court.*

Heirs of
T. Snell
relieved.

And whereas it has been represented that Isaac Huffmyer lately died intestate, seized in fee of two acres and a quarter of an acre of land, with a small unfinished building thereon, situate in the town of Orange, and in the county of Rockland; that he has left Margaret Huffmyer, his widow, and William Huffmyer and Elizabeth Huffmyer, his children, infants; that his personal property does not exceed fifty dollars, and that it will not only be beneficial but necessary to sell the said real estate for the maintenance of the said

Heirs of
J. Huff-
meyer re-
lieved.

widow and the education of his children: *Therefore*
 II. *Be it further enacted*, That it shall be lawful
 and for Cornelius Sickles and Richard R. Blauvelt, the
 guardians of the said infant children, to sell in fee, for
 the best price that can be gotten for the same, the said
 real estate, and to put the money arising from such
 sale at interest on good landed security, to pay the in-
 terest of one third thereof annually to the said widow
 during her natural life, to apply the interest and so
 much of the remaining two thirds thereof to the main-
 tenance and education of the said children, and to pay
 the surplus to them respectively, as well as the said one
 third of the principal reserved for the use of the said
 widow, after her death: *Provided*, That the said wi-
 dow shall join in the conveyance to be executed by
 the said guardians, for the extinguishment of her dower.
And provided further, That the the said guardians shall
 before they make such sale, give a bond with two sure-
 ties, to be approved by the chancellor of this state, to
 the said widow and children, in such sum as the chan-
 cellor shall direct, for the faithful execution of the said
 trust, which bond shall be filed in the office of the
 register or assistant register of the said court.

And whereas Gideon Shearman and Stephen Shear-
 man, executors, and Lemuel Shearman, Job Shear-
 man, Alexander Shearman, Durfee Shearman, Samuel
 Shearman, Gideon Shearman, David Shearman and
 Jacob Shearman, heirs of Humphry Shearman, late of
 the town of Palmyra, in the county of Ontario, deceas-
 ed, by their petition set forth to the legislature, that in
 the life time of the said deceased he did, on certain
 conditions, contract for the conveyance of a part of his
 real estate, and the said conditions have been complied
 with on the part of the purchaser, and the said deceas-
 ed in his last will made no provision for the fulfilment
 thereof on his part, therefore the petitioners pray the
 legislature to appoint Gideon Shearman and Stephen
 Shearman, executors of the last will of the said Hum-
 phry Shearman, deceased, trustees to fulfil the con-
 tracts of the deceased: Therefore,

III. *Be it further enacted*, That Gideon Shearman and Stephen Shearman, executors of the said Humphry Shearman, be and they are hereby authorized and empowered to fulfil all the lawful contracts of the said deceased, by executing conveyances to the purchaser or purchasers for the fulfilment thereof, as he in his life time might or could have done, which conveyances when given shall be valid in law and equity to all intents and purposes, as though he in his life time had actually done the same, any thing to the contrary notwithstanding: *Provided*, That the aforesaid executors shall submit evidence to the satisfaction of the Chancellor of this state that such contract or contracts was made by Humphry Shearman, and that the conditions of such contract or contracts was or were complied with by the purchaser or purchasers.

Heirs of
H. Shear-
man relief
ed.

CHAP. CXL.

An ACT authorising Thomas Whitney, Ira Seymour and John Seymour, 2d, to build a Toll Bridge across the Tioghnioqa Branch of the Chenango River.

Passed April 6, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Thomas Whitney, Ira Seymour, and John Seymour, 2d, and their present and future associates, their assigns and successors, be, and they are hereby created a body corporate and politic, by the name of the "President, Directors, and Company of the Lisle Bridge company," for the purpose of building a bridge across the Tioghnioqa branch of the Chenango river, in the town of Lisle, in the county of Broome, at or near the place where the bridge across said river was formerly erected, and near the mouth of the Ottselick river, so as to intersect the road leading westwardly on the west side of the Tioghnioqa branch of the Chenango river, and they are hereby ordained, constituted and declared a body corporate and politic, in fact and name, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and

T. Whitney and
others in-
corporat-
ed.

Their
style, &c.

being impleaded, answering and being answered, and defending and being defended, in all courts and places whatsoever, and they and their successors may have common seal, and may change and alter the same at their pleasure, and also that they and their successors by the same name and style, shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of said corporation: *Provided*, That the real estate so to be holden, shall be such only as shall be necessary to promote or obtain the objects of this corporation.

Proviso.

Subscriptions how to be received.

II. *And be it further enacted*, That Thomas Whitney, Ira Seymour and John Seymour, 2d, be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned; they shall, on or before the first day of May next, procure three books, and in each of them enter as follows: We whose names are hereunto subscribed, do for ourselves, and for our legal representatives, promise to pay the president, directors and company of the Lisle bridge company, the sum of ten dollars for every share of stock in said company, set opposite our respective names, in such manner and proportion, and at such time and place, as shall be determined by the said president, directors and company—one of which books shall be left with each of the commissioners aforesaid, at their respective places of abode, who shall keep the same open for receiving subscriptions, and every subscriber at the time of subscribing, pay unto either of the commissioners the sum of one dollar for each share so subscribed; and the commissioners shall as soon as sixty shares have been subscribed, cause an advertisement to be inserted in the newspaper called the American Farmer, printed in the village of Owego and the Broome County Patriot, printed in the town of Chenango, and place advertisements in the most public places in the aforesaid town of Lisle, giving at least thirty days notice of the time and place the subscribers shall meet for the purpose of choosing ballot five directors, who shall be stockholders, for purpose of managing the concerns of the said compe

Directors how to be chosen.

for one year, and until others shall be chosen in their stead, and the day for choosing the said directors shall forever thereafter be the anniversary day for choosing directors, and a majority of said directors shall be a quorum, and capable of transacting the business of the said corporation, and every act of a majority of said directors so met, shall be binding on the said corporation, and the said directors, elected by a plurality of votes of the stockholders present, shall within ten days thereafter proceed to the choice of one of their number for president, and the said president and directors may meet from time to time at such time and place as they may find expedient to direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

III. *And be it further enacted,* That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be three hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen and others, under them, as shall be necessary for executing the business of said corporation.

300 shares
to be sub-
scribed.

IV. *And be it further enacted,* That the number of shares or subscriptions constituting the stock or fund of said corporation, shall not exceed three hundred shares, and the amount to be paid for each share or subscription shall be ten dollars, and that each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she may have or hold in his or her name.

Stock.

V. *And be it further enacted,* That in case the aforesaid bridge shall not be erected, built and completed, on or before the first day of May, one thousand eight hundred and sixteen, then the corporation created by this act, shall be adjudged and considered to be dissolved.

Time for
building
the bridge

VI. *And be it further enacted,* That the rates of toll which said president, directors and company may demand and receive of and from all and every person

Toll how
to be regu-
lated.

using said bridge, shall be ascertained, fixed and determined by the court of common pleas, in and for the county of Broome, and being once so determined, the said toll shall remain unalterable, and said present directors and company, shall receive no other or greater toll than what shall be so determined by said court of common pleas.

Monies
subscribed
may be
demanded

VII. *And be it further enacted*, That it shall and may be lawful for the said directors to call on and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed at such times, and such proportions, as they shall think fit, under pain of forfeiture of their shares and of all previous payments made thereon, to the said present directors and company.

Penalty for
injuring
the bridge

VIII. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever, whereby the said bridge or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending, shall forfeit and pay to the said company, double the amount of damages sustained by means of such offence or injury, to be recovered by said company, with costs of suit, and by action of debt in any court having cognizance thereof, which action shall, in every instance, be considered as transitory in its nature, and shall and may be triable in any court in this state.

Bridge to
be 20 feet
wide.

IX. *And be it further enacted*, That the said bridge shall be at least twenty feet wide, and be well covered with plank not less than three inches thick, the sides of said bridge to be secured with good and substantial railings.

It shall not
obstruct
the chan-
nel.

X. *And be it further enacted*, That the said bridge shall be so constructed as not in any manner to obstruct the channel of the said river, or prevent in anywise the free passage of rafts and boats.

This is a
public act.

XI. *And be it further enacted*, That this act be, and the same is declared to be a public act, and shall be construed favorable for every beneficial purpose therein mentioned.

XII. *And be it further enacted,* That if the said ^{Company} bridge, after the same has been completed, shall at ^{to be dis-} any time be impassable for the term of three months, ^{solved if} at then the corporation shall cease, and the same ^{the bridge} is hereby declared in such case to be dissolved: *Provided* ^{is impass-} ^{able for 3} ^{months.} *nevertheless,* That no such dissolution of the corporation shall take place if the said bridge shall be carried away by ice, freshets, or any unavoidable accident, in case the same shall be rebuilt within one year after the same shall be carried away.

XIII. *And be it further enacted,* That if any person ^{Penalty for} or persons shall forcibly pass the gate to be erected ^{passing} over the said bridge in pursuance of this act, or shall ^{the gate} use his or their horses, carriage, waggon, sled, or ^{without} any other thing or things, to pass the same, without paying ^{paying toll.} the legal toll for passing the said bridge, such person or persons shall pay a fine of five dollars, to be recovered by the treasurer of the said corporation, to their use in an action of debt, with costs of suit.

XIV. *And be it further enacted,* That this act shall ^{This act to} continue in force for twenty years from the time of its ^{be in force} passage, and no longer. ^{for twenty} ^{years.}

XV. *And be it further enacted,* That so much of the ^{Part of a} ninth clause of the act passed June 10th, 1812, entitled ^{law repeal} "An act authorizing Simeon Rogers, Robert Ogden ^{ed.} Edwards and William Rose to build a toll bridge across the Tioghniga branch of the Chenango river," directs the said bridge to be twenty-five feet in width, be and is hereby repealed, and that the said bridge shall be at least twenty feet in width.

CHAP. CXLI.

An ACT to incorporate the Lenox Water Company.

Passed April 6, 1813.

WHEREAS Moses H. Cook, together with ^{Preamble.} sundry other citizens, have associated for the purpose of supplying that part of the town of Lenox, the county of Madison, situated on the Seneca turnpike road, called Federal Hill, with pure and wholesome water, for the use of such of the inhabitants thereof, and others, as may be inclined to take the same: Therefore,

W. H.
Cook and
others in-
corporat-
ed.

I. *Be it enacted by the people of the state of New York, represented in Senate and Assembly, That* Moses H. Cook, Abraham V. Camp, Ambrose Andrews and such others as may become interested in the association or company, formed for supplying that part of the town of Lenox, in the county of Madison, situated on the Seneca turnpike road, called Federal Hill, with water, by means of conduits or aqueducts shall be, and are hereby created and made a corporation and body politic, in fact and in name, by the name of the "Lenox Water Company," and by that name shall be capable in law to sue and be sued, plead and be impleaded, in any court of record; but shall not be capable of holding any real estate, excepting such as may be necessary for such conduits or aqueducts, in any other place than in that part of the aforesaid town, called Federal Hill, aforesaid, or any real or personal estate, exceeding the annual value in the whole, of five hundred dollars, exclusive of the profits or income of such conduits or aqueducts.

Their
style, &c.

Officers
how to be
elected.

II. *And be it further enacted, That* it shall and may be lawful for any three of the said persons so associated, or to be associated, by a notice to be given in writing, at two of the most public places in Federal Hill, five days at least previous to any meeting, to convene the said company or association at the most convenient and public place therein, and such of the members of the said association, being at least a majority of the whole number, as shall so convene, shall be, and are hereby authorized by a vote of a majority present, to elect and appoint a treasurer, clerk, and collector of such association, and such other agents as may be necessary to carry into effect the objects of the association; to make and ordain all such bye-laws, rules and regulations, relative to the said conduits or aqueducts as they may deem proper and necessary for the superintendence, regulation and management of the same, and of such as may be added thereto; and for the alteration, preservation and reparation thereof; for the equal assessment and collection amongst the proprietors of the same aqueducts, in proportion to the

respective rights or shares, of all costs and expences arising in the execution of all such bye-laws, rules and regulations aforesaid : And further, to institute such suits in the name of such company or association, as may be necessary to recover damages that may be done to the said aqueducts, or for any penalty imposed as aforesaid : *Provided*, That no penalty be imposed by virtue of any such bye-laws or regulations as aforesaid, shall be contrary to the laws of this state, or exceed twenty dollars for any one offence.

III. *And be it further enacted*, That the said treasurer shall receive and pay out all monies collected by virtue of this act, agreeably to the orders and directions of the said association ; and the said clerk shall enter in writing, all the proceedings of the same association or company, when convened as aforesaid, under this act ; and the said collector shall levy and collect all such taxes and sums of money so as aforesaid to be voted in pursuance of this act, agreeably to such tax-list or assessment-roll as shall be made out and delivered him by the said clerk, the same being by him first certified and subscribed, and shall pay the same monies over to the treasurer of the said association ; and the said collector shall have the like powers, and may proceed in like manner, in the said collection, as is by law prescribed to the collector of any town, in the collection of the contingent charges of the county.

IV. *And be it further enacted*, That all transfers of shares in the said association or company, shall be made and entered in a book to be by them provided for that purpose, under such regulations as may be prescribed by the said association.

CHAP. CXLII.

An ACT for the relief of the Minister, Elders and Deacons of the Reformed Protestant Dutch Church in Union Village. Passed April 6, 1813.

WHEREAS Charles Ingalls did in his life time receive a conveyance for a certain lot of land, situate in the town of Greenwich, in the county of

Washington, in trust for such persons as should associate and form themselves into a religious society : And whereas such society has been formed under the name and style of the " Minister, elders and deacons of the reformed protestant Dutch church of Union village," and have erected a church upon the said lot of land : And whereas the said Charles Ingalls has since deceased, leaving two children, minors, above the age of fourteen years : And whereas the said minister, elders and deacons have, by their petition presented to the legislature, prayed relief in the premises : Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the children of the said Charles Ingalls, by and with the advice and consent of their guardian, or the administrators of the estate of the said Charles Ingalls, to convey to the said minister, elders and deacons, and to their successors in office, the said lot of land conveyed to him in trust as aforesaid, which conveyance when made as aforesaid shall be obligatory and binding upon the children of the said Charles Ingalls and all other persons claiming under him or them, notwithstanding their minority.

CHAP. CLXIII.

An ACT altering the time of holding Town-meeting in the Town of Rossie, and the name of the Town of Bellona.

Passed April 6, 1813.

WHEREAS by an act entitled " An act dividing the town of Russell," passed January 27th, 1813, a new town by the name of Rossie was erected, and no election of town officers was held at the usual time in said town of Rossie for the want of notice of such division : Therefore,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the first town-meeting for the election of town officers for said town of Rossie, shall be held on the third Monday of April instant, at the house of Reuben Streater in said town, and that the same shall be as valid as if held at the usual time, any thing contained in any law to the contrary notwithstanding.

II. *And be it further enacted*, That from after the nth day of May next, the town of Bellona so called, in the county of Genesee, shall be known and called by the name of Le Roy, and all returns, laws, records and proceedings heretofore made or had from, to, of or respecting that town, either by the name of Bellona or Le Roy, shall be as valid in law as if the said town had been heretofore called or known by the name of Le Roy.

CHAP. CXLIV.

An ACT to incorporate the Seneca Lock Navigation Company. Passed April 6, 1813.

BE it enacted by the people of the state of New York, represented in Senate and Assembly, That Vilhelmus Mynderse, Samuel Colt, Abraham Dox, Elisha Williams, Herman H. Bogart, Benjamin Dey and Robert S. Rose, and all such persons as shall associate with them for the purpose of improving the navigation between the Seneca and Cayuga lakes, be and are hereby constituted a body corporate and politic, in act and in name, by the name of the "President, Directors and Company of the Seneca Lock Navigation," and by that name shall have perpetual succession, and may sue and be sued, defend and be defended, implead and be impleaded in all courts and places whatsoever; and may have a common seal, and may change the same at pleasure; and the affairs and business of said corporation shall be and are hereby intrusted to the management and direction of seven directors, to be elected in the manner herein after mentioned, four of whom shall constitute a quorum for the transaction of business; and the first directors shall be the following persons, to wit, Vilhelmus Mynderse, Samuel Colt, Abraham Dox, Elisha Williams, Herman H. Bogert, Benjamin Dey and Robert S. Rose, who shall hold their offices until the first Monday of May, one thousand eight hundred and fourteen, and until others be chosen in their stead; and annually on that day thereafter, the directors of the said corporation shall be elected at such place as the board of directors shall previously appoint at least thirty days before such election, which appointment shall be published for three weeks successively

W. Mynderse and others incorporated.

Their style, &c.

First directors.

in one of the public newspapers printed in the village of Geneva, and the directors shall choose one of the number to be president : but in case he shall be absent at any meeting of the directors, they may appoint a president pro hac vice ; but the corporation shall not be dissolved by reason of not holding the annual election at the day and place appointed ; and the directors may provide for such omission, and for holding an election at some other time ; and if any vacancy shall occur in the board of directors before an election shall be held, such vacancy, for the remainder of the year, may be filled by the rest of the directors.

Stock.

II. *And be it further enacted*, That the capital stock of said company shall consist of two thousand shares of twenty-five dollars each ; and that Abraham Dorr, Wilhelmus Mynderse and Elisha Williams, be, and are hereby appointed commissioners to open three books for the purpose of receiving subscriptions to the capital stock of said corporation, in each of which shall be written as follows :—" We whose names are underwritten, severally for ourselves and legal representatives, promise to pay the President, Directors and Company of the Seneca Lock Navigation, twenty-five dollars for every share of stock set opposite our respective names, in such times and portions as the said president, directors and company shall require : " and every subscriber shall at the time of his subscription, pay to the said commissioners, or one of them, two dollars and fifty cents on each and every share so subscribed ; and it shall be lawful for the said president and directors to call for and demand payment of such further portion of the said stock as in their judgment may from time to time be necessary, under the penalty of forfeiting the said stock and all previous payments made thereon, the giving at least sixty days notice in a newspaper printed at Geneva of such requisition, and of the time and place when and where payable ; and it shall be the duty of the said commissioners to keep the said books open for every person to subscribe, until the whole number shares shall have been subscribed ; and if a greater number than two thousand shares are subscribed, the said three commissioners shall apportion the stock as n

may be among all the subscribers, in proportion to their respective shares : the commissioners shall deliver over the subscription books, when filled, or sooner, if called for by the said president and directors, to them, and pay over all money deposited on the subscriptions, as foresaid, to the said president and directors : Every stockholder shall be entitled to as many votes as he has shares of stock in said corporation.

III. *And be it further enacted*, That the said president and directors shall have power to pass such bye-laws, rules, orders and regulations, for the well ordering of the concerns of said corporation, as they shall deem necessary, provided the same are not contrary to the constitution or laws of this state or of the United States, and the corporation may take, purchase or enjoy, lands, tenements and hereditaments, goods, chattels and effects, or any estate, real or personal, not exceeding ten thousand dollars in value ; and the president and directors may convene special meetings of the stockholders, giving at least thirty days notice, by publication as aforesaid, of the time and place of such meeting ; the said board of directors shall also have power to appoint such and so many officers, agents, clerks, superintendants, engineers, toll-gatherers, workmen and other persons, as they shall deem proper, in and about the business and concerns of the said corporation, to require or receive of and from them, their measurer, or other persons in their employ, bonds in sufficient penalties, with such sureties for the faithful discharge of their trust, as they think proper, to discriminate in their discretion, in the toll they shall receive under this act, between empty and laden vessels, and to reduce the same ; and further, in their discretion, to estimate the toll, either according to the tonnage of vessels, or rafts, or to charge a specific toll on every particular article, but the aggregate toll on particular articles shall not exceed upon a ton weight of such articles, the toll authorized by this act.

IV. *And be it further enacted*, That it shall be lawful for the said corporation to take and use any land, Lands may be taken and used.

LAWS OF NEW-YORK, 36th Session.

whether under water or not, for the purposes of *naviga*
 tion, during the continuance of this incorporation.

V. And be it further enacted, That the locks and
 canals constructed under this act, may be of *such*
 breadth as the said board shall determine, *provided*
 how to be made. locks they shall be not less than twelve feet broad at the
 bottom or base, nor any lock less than seventy feet
 long between the gates thereof; and further, it shall
 be lawful for the said president and directors, or any
 person by their authority, to enter into and upon any
 lands, whether covered with water or not, to procure
 stone, timber or earth, necessary to build the locks and
 canals of said corporation, and to keep them in repair,
 and that without the leave or permission of the owner,
 and to dig, trench and use the said lands to construct
 the said canal and its embankments, and to keep the
 same in repair, and to erect locks and toll houses
 thereon, and for no other purpose: *Provided always*,
 Proviso. That when any lands or materials shall be taken with-
 out the consent of the owner, for the use of the said
 corporation, the directors shall within sixty days there-
 after, apply to a justice of the supreme court, or a judge
 of the court of common pleas of the county of Cayuga,
 not being interested in the premises, to cause the
 damages of such owner to be appraised, which justice
 or judge shall thereupon by warrant under his hand
 and seal, appoint three disinterested commissioners,
 who shall before they enter upon the duties of their
 office, take and subscribe an oath, well and faithfully
 to appraise the damages of such individual, and value
 the materials; and before they make the appraisement
 or valuation, they shall give the owner or occupant
 notice, by leaving the same with him or at his place
 abode, if in this state, of the time and place of such
 appraisal; and the damages so appraised by such
 commissioners, shall be paid by such corporation
 within sixty days thereafter, or tendered to the person
 in whose favor the damages are so appraised,
 in default thereof, such corporation shall be deemed
 trespassers, and liable to be sued as such, by virtue
 of this act.

VI. *And be it further enacted*, That the toll-gatherers or their deputies, under this act, may demand and receive from all boats, vessels, rafts, or other articles, passing through the canals and locks constructed by virtue of this act, such toll and rates for every ton weight of the ascertained burthen of such boats or vessels, and for every hundred feet cubic measure, of timber, and one thousand feet, board measure, of boards, planks, or scantling, in rafts, as the board of directors shall determine, but the toll in the whole, shall not exceed two dollars for every ton of the loading of any such boat or vessel, and so in proportion for the timber, boards, plank, scantling, or other articles; but boats of a burthen of less than a ton, shall pay the toll for a ton; and further, if any owner or supercargo shall request it, it shall be lawful for the toll-gather, and such owner or supercargo, each to choose one person to measure and ascertain such burthen, and to mark the same on such boat or vessel, which mark shall always be evidence of the burthen, in payment of toll; but if the owner or supercargo should refuse or decline to choose a person on his behalf, as aforesaid, then the toll-gatherer may appoint one for him, and such person shall have the same power and authority as if chosen by such owner or supercargo; and further, the toll-gatherers may respectively stop and detain any boat or vessel subject to and not paying toll, until such toll be paid, or may distrain sufficient of the cargo to pay the same, and after thirty days to sell the same at public vendue unless the toll be sooner paid, and the overplus, if any, to retain for the use of the owner, after deducting all charges incident to the seizure, detention and sale; and further, if any person shall wilfully do any act whereby any lock, canal, gate, engine, machine, or other thing thereto pertaining, shall be injured or damaged, such offender shall pay fourfold damages and costs to the said corporation, recoverable in any court having jurisdiction thereof: *Provided always*, ^{Rates of toll.} *Proviso.* That the said corporation shall not be permitted to ask or demand any toll under this act, until the locks and canals aforesaid shall be completed in the whole extent

from the Seneca to the Cayuga lakes : *Provided further*, That the toll to be taken upon any boat, shall be thirty cents per ton upon the tonnage of said boat *Provided further*, That one half and no more, of the aforesaid toll shall be demanded or received, for passing from the Seneca lake to the head of the Seneca falls, or from thence to the Seneca lake : loading charged with toll under this act, shall be computed in this manner, to wit : two hogsheads of liquor, one ton ; eight barrels of liquor, salt, beef, or pork, one ton ; six barrels of pot or pearl ashes, one ton ; ten barrels of flour, one ton ; forty bushels of wheat, rye, corn or beans, one ton ; eighty bushels of oats, one ton.

Certain
rules to be
adopted.

VII. *And be it further enacted*, That the rules and articles prescribed in and by the sixth section of the act entitled "An act for the establishing and opening lock navigation within this state," except the first, second, fourth, fifth, tenth and eleventh articles, shall form and be fundamental rules of the corporation hereby erected. No person shall be eligible as director who shall not be a stockholder, and resident in this state at the time of such election : dividends shall be made and declared once at least in every year, and twice, if the board of directors think proper : no transfer of stock shall be made but in the manner directed by the board of directors.

Comptrol-
ler direct-
ed to sub-
scribe 500
shares.

VIII. *And be it further enacted*, That the eighth and tenth sections of the act referred to in the foregoing section shall apply to the corporation hereby created as if the same were here inserted ; and further, when ever one thousand shares shall have been subscribed to the corporation, it shall be lawful for the comptroller of this state, and he is hereby required to subscribe on behalf of this state, five hundred shares, and thereupon to issue his warrant to the treasurer to pay the necessary deposit out of the treasury, and such further sum as may from time to time be required by the said board on such shares ; in like manner as other stockholders shall be required to pay, but not otherwise ; and the comptroller shall be entitled to vote on such shares either in person or by proxy, in like manner as other

stockholders ; and the dividend to which this state shall be entitled shall be paid to the treasurer thereof.

IX. *And be it further enacted*, That whenever the navigation shall be completed, any owner or occupant of any land adjoining the said outlet may use the waters for mills, or other hydraulic works, but such use shall at no time impede the passage of boats, or other water craft or articles, or injure or affect the navigation, or the canals, locks or dams, or appurtenances belonging to the said corporation : *Provided*, That nothing in this act shall authorize the said corporation to use any of the waters of said outlet for any other purposes than for the navigation aforesaid. The water may be used for mills, &c.

X. *And be it further enacted*, That it shall be lawful for the owner or occupant of lands adjoining the said outlet and canal to make from the canals all necessary cuts, at their own expence, to conduct the water to their mills, or other hydraulic works, so however as not to impede the navigation aforesaid, or prevent the company from the use of so much water as at all times shall be necessary for the purposes of said navigation : *Provided*, That such owner or occupant shall not claim any payment for the stone, gravel or timber to be used by said company in making said canals and locks, or for the land taken therefor. Cuts may be made from the canal.

XI. *And be it further enacted*, That the said president and directors shall, within six months after said locks and canals are completed, lodge in the comptroller's office of this state an account of the expences thereof ; and the corporation shall annually exhibit to the comptroller a true account of the income arising from said toll, with the annual disbursements on the said locks and canals ; and that the said company shall so regulate their receipts and rates of toll at all times during the continuance of their charter, that the amount of their annual receipts shall not exceed twelve per cent. over and above all their necessary expenditures. Accounts of the expences & income to be lodged in the comptroller's office

XII. *And be it further enacted*, That the surveyor-general of this state shall always be one of the directors of the said company, in addition to the number of directors herein before provided for. Surveyor-gen. to be a director.

This is a
public act.

Proviso.

XIII. *And be it further enacted,* That this act shall be and is hereby declared a public act, and to be construed favorably to the said corporation: *Provided* however, That the locks and canals shall be completed within five years from the passage of this act; and if the same are not so completed within the time aforesaid, this act and every thing herein contained, shall cease and be void.

CHAP. CXLV.

An ACT for the relief of the heirs of Mary Elmer.

Passed April 6, 1813.

WHEREAS by the petition of Joshua Conkling, guardian of three orphan children of Mary Elmer, deceased, it is represented that the said Mary Elmer died about three years ago, leaving three orphan children, and possessed of very little personal property, but entitled to one undivided seventh part of about forty acres of land, situate in the village of Florida, in the county of Orange aforesaid, which in its undivided state is unproductive, and that he has expended all the personal property of the said Mary towards the support of her said children, and hath advanced a considerable sum of his own money towards the support of said children, and that he cannot in justice to himself advance a further sum, and prays that he may be authorized by law to sell and dispose of the interest of the said orphan children in the said lot of land for their benefit: Therefore,

Be it enacted by the people of the state of New-York represented in Senate and Assembly, That it shall be lawful for Joshua Conkling, guardian of the said infant children, to sell in fee, for the best price that can be gotten for the same, the said real estate, and put the money arising from such sale at interest, on good landed security, and to apply the interest of the money arising from the sale of said lands to the maintenance and education of the said children, and so much of the principle as shall be necessary for that purpose, to pay the surplus to them respectively, according to their right in said land, when they respectively arrive to the age of twenty-one years: *Provided,* That said guardian shall

fore he makes such sale, give a bond with two sure-
 as, to be approved by the chancellor of this state, to
 e said children, in such sum as the chancellor shall
 rect, for the faithful execution of the said trust, which
 and shall be filed in the office of the register or assist-
 t register of the said court.

CHAP. CXLVI.

*An ACT to alter the time of holding Town Meetings
 in the several Towns in the County of Montgomery.*

Passed April 6, 1813.

BE it enacted by the people of the state of New-York,
 represented in Senate and Assembly, That from
 id after the first Tuesday of April instant the town
 eetings in the several towns in the county of Mont-
 omery shall be held on the first Tuesday in March
 annually, and that all such town officers, whose duty
 is to meet on the last Tuesday in March, shall meet
 n the last Tuesday in February in every year, to do
 nd transact such business as to their respective offices
 ay appertain.

CHAP. CXLVII.

*An ACT to incorporate the Stockholders of the Bank
 of Orange County.*

Passed April 6, 1813.

WHEREAS Reuben Hopkins, George D. Wick- Preamble.
 ham and others, by their petition to the legis-
 ture, have prayed to be incorporated for banking
 urposes: Therefore,

I. *Be it enacted by the people of the state of New-*
York, represented in Senate and Assembly, That all per- Company.
 ns by virtue of this act becoming stockholders of incorpor-
 aid bank be and they are hereby ordained, constituted ated.
 nd declared to be from time to time, until the first
 Tuesday in May, which will be in the year one thou-
 and eight hundred and thirty-three, a body politic,
 nd corporate, in fact and in name, by the name of the Their style
 President, Directors and Company of the Bank of and pow-
 range County," and that by that name, they and ers.
 heir successors, until the said first Tuesday of May,
 n the said year one thousand eight hundred and thirty-
 hree, shall and may have continual succession, and

shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the same name of the President, Directors and Company of the Bank of Orange County, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation.

Stock.

II. *And be it further enacted*, That a share in the said bank shall be fifty dollars, and the number of shares shall not exceed eight thousand, and that no individual shall hold at any one time more than two hundred shares of the said stock, and that James W. Wilkin, George D. Wickham, David M. Westcott, John G. Hurtin, James Wheeler, John Barber and James Finch, junior, are hereby appointed commissioners, any five of whom to constitute a board for the purpose of opening books on the first Monday of May next, at some proper place in the village of Goshen, and that the same be kept open for three days successively in that week, and for three days successively in the succeeding week, in which all persons inclining to associate for the purpose of establishing a bank in the said village of Goshen, shall subscribe such number of shares as they respectively wish, depositing at the same time with the said commissioners the sum of two per cent. on the amount of each share by them so subscribed; and if the number of shares so subscribed, shall exceed eight thousand, the said commissioners shall apportion the excess among the several subscribers, in proportion to the shares subscribed; and the said commissioners shall be the inspectors of the first election for directors, and shall certify under their hands the names of those duly elected, and deliver over to them or their order, the subscription books, together with the deposit money on the stock so subscribed.

Affairs
how to be
managed.

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation sha

be managed and conducted by thirteen directors, who shall hold their offices for one year, which directors shall be stockholders and citizens of this state; and that the first election of directors shall be held at the courthouse in Goshen on the first Monday of June next, and each succeeding election for directors shall be held thereafter on the first Monday of June in each year, at such place and hour of the day as a majority of the directors for the time being (who shall upon all occasions constitute a board for the transacting of business) shall appoint, notice whereof shall be given by the said directors in one or more of the newspapers, printed in the said county of Orange, at least thirty days previous to the day of holding such election, and the said election shall be held and made by such of the stockholders of said bank as shall attend for that purpose, either in person or by proxy, which proxies shall always be stockholders, and all elections shall be by ballot, each share entitling its owner to a vote, and the thirteen persons who shall have the greatest number of votes, shall be directors; and if it should happen at any such election, that two or more persons have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed to ballot, and by plurality of votes, determine which of said persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number of thirteen; and the said directors chosen at such election, as soon as may be thereafter, shall proceed in like manner by ballot to elect one of their number to be their president; and whenever any vacancy shall happen among the directors, by death, resignation or removal, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person or persons as the rest of the directors, or a majority of them, may appoint.

IV. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not take place on any day on which pursuant to this act it ought to have taken place, the said corporation shall not for that cause be dissolved, but that it shall

and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Subscriptions to be kept open. V. *And be it further enacted,* That in case the said number of eight thousand shares shall not be subscribed on the books directed by this act to be opened by the commissioners aforesaid, subscription shall be kept open under the direction of the president and directors of said bank at such times and places as they shall think proper, until the said number of shares be subscribed.

Bye-laws how to be made. VI. *And be it further enacted,* That the directors for the time being, or a major part of them, shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and of all such other matters as appertain to the business of a bank, and shall have power to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet: *Provided,* That such bye-laws, rules and regulations be not repugnant to the constitution and laws of the United States, or of this state.

Bank to be kept in Goshen. VII. *And be it further enacted,* That the said bank shall be established and kept, and the business thereof at all times after the organization of the same, shall be transacted at such place within the said village of Goshen, as the president and directors may deem proper.

Debts not to exceed three times the capital. VIII. *And be it further enacted,* That the total amount of debts which the said corporation shall at any time owe, whether by bond, bill note or other contract, over and above the specie then actually deposited in said bank, shall not exceed three times the amount of the capital stock subscribed, and actually paid into said bank, and in case of such excess, the directors under whose administration it shall happen, shall be liable for the same in their separate and private

capacities ; but this shall not be construed to exempt the said corporation, or any estate real or personal, which they may hold as a body corporate, from being also liable for, and chargeable with such excess ; but each of the directors who have been absent when the said excess was contracted, or may have dissented from the resolution or act whereby the same was so contracted, shall not be so liable.

IX. *And be it further enacted*, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of bona fide debts previously contracted in the course of its dealings; or purchased at sales upon judgment which shall have been obtained for such debts : and further, the said corporation shall not directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Lands, &c.
on what
conditions
to be held.

X. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, his, her, their assignee or assignees, and so as absolutely to transfer and vest the property thereof, in each and every assignee or assignees respectively, and to enable each assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names, and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the said corporation, in like manner, and with the like force and effect,

Bills to be
assignable.

as upon any private person or persons, if issued by *him* her or them, in his her or their private and *natural* capacity or capacities, and shall be assignable and *negotiable*, in like manner as if they were so issued by such private person or persons.

Calls may
be made
on the
stockhold-
ers.

XI. *And be it further enacted*, That it shall be lawful for the directors for the time being, to call and demand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, to the said company, always however, giving at least thirty days notice of such call and demand, in one of the newspapers published as aforesaid.

This act
not to be
forfeited
by non-
users.

XII. *And be it further enacted*, That the present act of incorporation shall in no wise be forfeited by any non-user whatsoever, at any time before the first Monday in June, which will be in the year one thousand eight hundred and fourteen, and that it shall on that day be lawful for the stockholders above mentioned to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

Dividends

XIII. *And be it further enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said bank as to them, a majority of them, shall seem advisable; and that every cashier and clerk, before he enter upon the duty of his office, shall give bonds, with two or more sureties, to be approved by the directors for the time being or a majority of them, in a sum not less than ten thousand dollars for such cashier, and two thousand dollars for such clerk, conditioned for the faithful discharge of their several duties.

Rate of in-
terest.

XIV. *And be it further enacted*, That the said corporation shall not demand any greater interest on loan or discount than at the rate of six per centum annum, unless the said loans or discounts shall be for a longer period than ninety days, in which case said corporation shall be entitled to demand an

ive an interest not exceeding seven per centum per annum.

XV. *And be it further enacted*, That this act be and hereby declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned.

This is a public act.

CHAP. CLXVIII.

An ACT authorizing a Dam to be built across Harlem River.

Passed April 8, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Robert Macomb, of the city of New-York, his heirs and assigns, first obtaining the consent of the mayor, aldermen and commonalty of the city of New-York thereto, to build, construct, make and maintain a dam across the Harlem river, from Bussing's Point, in the ninth ward of the said city, to Devoe's Point, in the town of Westchester, in the county of Westchester, which said dam may be constructed with a foundation and abutments of stone and earth, or other durable materials, leaving in the centre or other part thereof, a sufficient space for the water to pass freely through, on which space may be constructed flood gates, or other contrivances, needful to contain the waters of said river, so however that such dam shall not be built, constructed or made at or below the place where the bridge authorized to be erected and built by the Harlem bridge company, from Bussing's Point aforesaid to Devoe's Point aforesaid, shall be erected and built without the consent of the said company : *Provided always*, That the said dam shall not be so constructed as to force or cause the water of said river to rise and overflow the salt meadows, or other grounds lying between the said dam and Kingsbridge, or any part thereof, or cause the tide or other water, to continue or remain on said meadows or grounds, longer than the same otherwise would have done : *And provided further*, That if any damage or injury whatever shall accrue to the meadows or other grounds aforesaid, in consequence of the building of said dam, the said Robert Macomb, his heirs and assigns, shall indemnify and make whole the

R. Macomb allowed to build a dam across Harlem river.

party or parties injured, for the loss or damage *sustained* by him or them as aforesaid.

A lock or
apron shall
be made in
the dam

II. *And be it further enacted*, That the said dam shall be so made and built as to admit the passage of boats and vessels accustomed to navigate the same, by means of a good and sufficient gate, lock, apron or other contrivance, and the said Robert Macomb, his heirs and assigns, at his or their own expence, shall keep and provide a suitable person to attend the same, so that no unnecessary delay may happen to those who may have occasion to pass the same with boats or vessels as aforesaid.

It shall be
kept in re-
pair.

III. *And be it further enacted*, That the said Robert Macomb, his heirs and assigns, at his or their own expence, shall at all times keep in good and sufficient repair the said dam; and in case the said gate, lock, or other contrivance, whereby or through which boats are to pass as aforesaid, shall not be kept in sufficient repair and condition, or if the said Robert Macomb, his heirs and assigns, do not at all times keep a suitable person to attend the same, or if any delay should happen to any person who may have occasion to pass the same with boats or vessels as aforesaid through the default of the said Robert Macomb, his heirs or assigns, or their agents or servants, he or they shall forfeit for every neglect, the sum of five dollars, to be recovered, with costs of suit, by the party injured.

R. Ma-
comb to
have the
sole right
of using
the waters

IV. *And be it further enacted*, That the said Robert Macomb, his heirs and assigns forever, shall hold, have and enjoy the sole right and privilege of using and employing the waters so dammed, for milling and other purposes: *Provided*, That the assent of the mayor, aldermen and commonalty of the city of New-York to the building and constructing the said dam herein before mentioned as herein aforesaid be first obtained by the said Robert Macomb, his heirs or assigns, before he or they shall be authorized to build or construct the same:

Proviso.

Provided also, That nothing in this act contained shall be construed to affect, injure or impair any rights, property or privileges which may be now vested by law and subsisting in John B. Coles, or in any person or persons claiming under him, or in the Harlem bridge company.

CHAP. CXLIX.

An ACT for the relief of Freegift Patchin.

Passed April 9, 1813.

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the surer, on the warrent of the comptroller, is authorized and required to pay to Freegift Patchin the sum of hundred and ten dollars out of any money in the sury not otherwise appropriated, in full of his pay soldier serving in Col. Peter Zeile's regiment, the Freegift having been taken prisoner by the ene-s of the United States in the late revolutionary war, he seventh day of April, one thousand seven hun- and eighty, and continued a prisoner in Canada to twenty-eighth day of November, one thousand se- hundred and eighty-two, for which he has hereto- received no compensation from this state, or the ted States.

CHAP. CL.

*ACT for the encouragement of American Manu-
factures.*

Passed April 9, 1813.

WHEREAS it will be of general public advan-
tage, and aid the several manufacturing com-
es incorporated in this state, as well as many priv-
ndividuals engaged in domestic manufactures, if a
pany should be established for the purpose of dis-
ig of articles solely of American manufacture,
to make loans thereon when deposited for sale :
efore.

Preamble.

*Be it enacted by the people of the state of New-
k, represented in Senate and Assembly,* That Thom-
orm, Isaac Marquand, Seth Capron, and all such
r persons as now are or hereafter shall be associ-
for the purpose aforesaid, be and are hereby ord-
ed, constituted and declared a body corporate and
ic, in fact and in name, by the name and style of
e president and directors of the commission com-
;" and that they and their successors, for the term
teen years hereafter, shall and may have succes-
and shall be persons in law capable of suing and

T. Storm
and others
incorpor-
ated.Their
style, &c.

being sued, defending and being defended, answer and being answered unto in all courts and places whosoever, in all manner of actions, suits, complaints and causes whatsoever, and of holding and conveying real and personal estate for the use of the corporation, and that they and their successors may have a common stock and may change and alter the same at their pleasure. *Provided*, That such real and personal estate shall be necessary for the objects contemplated by this act.

Stock.

II. *And be it further enacted*, That the capital stock of the said corporation shall not exceed six hundred thousand dollars, and that a share in the stock shall be fifty dollars, and that subscriptions to the said capital stock may be kept open at such times and places under the direction of the president and directors, until the whole number of shares shall be subscribed, and that the said stock shall be employed solely in advancing money when requested on goods and articles manufactured within this state or the United States, except salt manufactured within the same, and the sale of such goods and articles on commission: *Provided*, That no more than lawful interest shall be charged or received for any money so to be advanced, and that the usual mercantile commissions, with the usual charges and no more shall be charged or received on such sale and that no commissions be charged or received except upon actual sales: *And provided also*, That shall not be lawful for the said corporation to use or employ any part of the said capital, nor any moneys or funds or effects whatsoever in the purchase or sale of any goods, wares, merchandize or commodities whatever, other than and except in advances of money on American manufactures and selling the same on commission as aforesaid, nor in banking or any monetary operations, nor in the purchase or sale of bills of exchange or any stock or funds of this state or the United States except in selling the same when truly pledged to the said corporation for a debt or debts due to the same.

Debt not
to exceed
3 times the
capital.

III. *And be it further enacted*, That the total amount of debts which the said incorporation shall at any time owe shall not exceed twice the sum of the capital stock.

subscribed and actually paid into the said company, and in case of such excess, the directors under whose administration it shall happen, excepting such as are absent, or not assenting, shall be liable for the same in their separate and private capacities, but this shall not be construed to exempt the said corporation on any state real or personal which they may hold as a body corporate from also being liable for and chargeable with such excess.

IV. *And be it further enacted*, That the stock, property, ^{Affairs} and concerns of the said corporation shall be ^{how to be} managed and conducted by nine directors, being stockholders and citizens of this state, which directors shall hold their offices for one year from the first Tuesday of December in every year, and shall be elected on the first Tuesday of November in every year, at such time and place in the state, as a majority of the directors for the time being shall appoint: and public notice shall be given by the said directors, not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in one or more of the public newspapers printed in the city of New-York, Albany and Utica, respectively, one of which shall be the printer to the state; and the said election shall be made by such of the stockholders of the said corporation as shall attend for that purpose, either in person or by proxy, and all the elections shall be by ballot, and the nine persons who shall have the greatest number of votes shall be directors; and if it should happen at any election, that two or more persons have an equal number of votes, then the said directors in office at the time of such election, or a major part of them, shall proceed by ballot, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number; and the directors elected, as soon as may be after the time at which they are to enter upon the duties of their offices, shall proceed in like manner to elect by ballot, one of their number to be their president: and if any director shall move out of the state, or cease to be a stockholder, his office shall be con-

First di-
rectors.

sidered as vacant; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation or removal, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint from among the stockholders, and the first directors shall be Thomas Storm, Isaac Marquand, Seth Capron, George Fitch, Noyes Darling, John King, junior, David I. Greene, Thaddeus B. Wakeman, and James Bailey, and the first president shall be Thomas Storm, who shall hold their respective offices until the first Tuesday of November next, or until others thereafter shall be duly elected.

V. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation, for that cause, or from any non-user, shall not be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election of directors in such manner as shall be provided by the laws and ordinances of said corporation.

Bye-laws
may be
made.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear proper and needful, touching the government of said corporation, the management and disposition of the stock, business property, estate and effects of the said corporation, the duties and conduct of the officers, agents, clerks, and servants employed therein, the election of directors and all such other matters as may appertain to the concerns of the institution, and shall also have power to appoint so many officers, agents, clerks and servants, for carrying on the said business, and with salaries and allowances as to them shall seem meet. *Provided*, That such bye-laws, rules and regulations be not repugnant to the constitution and laws of the United States, or of this state.

VII. *And be it further enacted*, That no transfer of stock of the said company shall be valid and effectual until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors. Transfers how to be made.

VIII. *And be it further enacted*, That it shall be lawful for the directors to call and demand of the stockholders or subscribers, respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon, to the said corporation; always, however, giving at least, thirty days previous notice of such call and demand, in the same way, and in as public a manner as is required for the election of directors by this act; and each stockholder shall be entitled to one vote on each share which he shall have held in his own name at least fourteen days prior to the time of voting: *Provided always*, That the capital stock of said company shall be placed in the city of New-York, and that the business and transactions of the said company shall be limited to the city of New-York. Monies subscribed may be demanded

IX. *And be it further enacted*, That it shall be the duty of the directors to make yearly, or in their discretion, half yearly dividends of so much of the profits of said corporation as to them, or a majority of them, shall seem adviseable; and that every officer, agent or clerk, before he enters upon the duties of his office, shall give such security for the faithful discharge thereof as the directors shall require. Dividends

X. *And be it further enacted*, That the directors shall annually on the first Tuesday of December, lay before the stockholders a general statement of their accounts and proceedings, which statement they shall cause to be lodged with their chief officer or agent at least ten days previous to the annual election of directors, for the inspection and examination of the said corporation. Accounts to be rendered annually.

XI. *And be it further enacted*, That this act be, and it is hereby declared to be, a public act, and that it This is a public act.

shall for the time herein before limited, be construed in all courts and places, benignly and favorably, for every beneficial purpose therein contained: *Provided* That it shall be lawful for the legislature at any time after five years from the time of passing this act, to amend or alter the same.

CHAP. CLI.

An ACT to amend the act entitled "An act for the opening a Road between the City of Albany, and the River St. Lawrence." Passed April 9, 1813

WHEREAS the legislature at their last session, by the act entitled "An act for the opening a road between the city of Albany and the river St. Lawrence," did authorize and direct the commissioners of the land-office to sell or dispose of certain lands in Totten and Crossfield's purchase, for the purpose of opening and making a great and more direct road leading from the city of Albany to some place near the foot of sloop navigation on the river St. Lawrence, at such price as they might consider the same to be worth, and payable at such times as might be deemed by them proper for accomplishing the object thereby intended: And whereas it appears from a report of the commissioners appointed under the act hereby amended, that a good and sufficient road may be made much nearer than any heretofore laid out and made, and that they require more efficient means to carry the objects contemplated by the above recited act into effect: And whereas the state owns a large tract of land through which the said road will pass, the value of which will be greatly enhanced by said road: Therefore,

Be it enacted by the people of the state of New-York represented in Senate and Assembly, That the treasurer, on the warrant of the comptroller, be and he is hereby authorized and required to pay fifty cents for every acre appropriated by the act aforesaid on the part of the state to the making of the said road, which sum shall be paid in the manner directed in and by the said act in lieu of the lands belonging to the people of this state which the commissioners of the land-office are directed by the said act to sell for that purpose, and that the

id commissioners shall at any time after the said road all be completed, sell so much of the said lands belonging to the people of this state adjoining the said road as shall amount to the whole sum paid out of the treasury in pursuance of this act, together with an interest of six per cent thereon.

CHAP. CLII.

An ACT to authorize the Supervisors of the County of Orange to raise money by tax for the erection of a Fire-Proof Clerk's Office in the County of Orange.

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the supervisors of the county of Orange, at their annual meeting on the first Tuesday in October next, may levy and raise by tax on the freeholders and inhabitants of the said county, a sum not exceeding one thousand dollars, over and above the ordinary expences of collecting the same, which amount may be drawn from the treasury of the said county upon the order of William Thompson, George D. Wickham, and David M. Westcott, who shall be and hereby are appointed commissioners for superintending and building the said office, of such size and dimensions as to them shall seem proper; within forty rods of the court-house at Roseton; and the said commissioners shall account to the supervisors of the said county for all disbursements and expenditures arising to them, in erecting the said fire-proof clerk's office.

II. *And be it further enacted,* That the supervisors of the said county shall meet at the court-house in Roseton on the last Tuesday of May next, for the purpose of taking into consideration the propriety of raising the sum of money aforesaid for the purpose aforesaid, any thing in this act to the contrary notwithstanding.

CHAP. CLIII.

An ACT to amend the act entitled "An act to incorporate the Stockholders of the Bank of Troy, and for other purposes." Passed April 9, 183.

WHEREAS the president and directors of the bank of Troy have by their petition represented, that in consequence of the incorporation of a new bank in the village of Lansingburgh, it may hereafter be rendered expedient to select persons without that village to supply the places of the five directors of the bank of Troy which are now by law directed to be elected and appointed in that village: Therefore,

I. Be it enacted by the people of the state of New York, represented in Senate and Assembly, That the five directors of the bank of Troy directed by the act of incorporation to be elected and appointed from stockholders residing in the village of Lansingburgh, may (whenever any vacancy or vacancies shall happen) be elected and appointed in the manner prescribed by said act, from the stockholders residing in any part of the counties of Rensselaer and Saratoga, any thing in the said charter to the contrary notwithstanding.

Certain
directors
of the bank
of Troy
how to be
elected.

II. And be it further enacted, That all the directors of the Farmers' bank hereafter to be elected or appointed may be residents of the village of Troy, or any other place, any thing in any former law to the contrary thereof notwithstanding.

Farmers'
bank.

And whereas the president and directors of the Middle District bank have presented their petition, praying amendments to their act of incorporation, which appear reasonable: Therefore,

III. Be it further enacted, That the limitation of stock created by these words, to wit, "And that no individual shall hold at any one time more than five hundred shares of the said stock," as expressed in the first section of the act entitled "An act to incorporate the stockholders of the Middle District bank," be and the same is hereby repealed.

Middle
District
bank.

IV. And be it further enacted, That so much of the second section of said act as limits the number of vote of stockholders who shall hold more than ten share

and is hereby repealed, and that so much of the said second section as requires the president of said bank to be resident in the village of Poughkeepsie, be and is hereby repealed.

CHAP. CLIV.

An ACT supplementary to an Act for improving a road from Genesee River to Buffalo, passed June 19, 1812.
Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the treasurer of this state shall, on the warrant of the comptroller, pay to James W. Stevens, Frederick Miller and Joseph Landon, commissioners appointed by the said act to superintend the improving of the road leading from the bridge over the Genesee river, in the town of Avon, in the county of Genesee, and from thence to the court-house in Buffalo, in the county of Niagara, the sum of three thousand one hundred dollars, out of any monies now in the treasury, or which may hereafter come into the treasury, from sales of lands belonging to this state, on the Niagara river, to be applied by the said commissioners to the improvement of the said road.

II. *And be it further enacted,* That the said commissioners, before they receive the said monies, shall execute and deliver to the comptroller of this state, a similar bond to that which is required by the act to which this is supplementary.

CHAP. CLV.

An ACT relative to holding the Courts in the County of St. Lawrence.
Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful during the present war, for the judges of the court of common pleas for the county of St. Lawrence, to hold the court of common pleas and general sessions of the peace at such place within said county as they, or a majority of them, shall think proper, and that the justices of the supreme court shall also, during the present war, designate such place within said county

of St. Lawrence, for the holding the circuit court, and court of oyer and terminer for said county; and that the sheriff of the said county of St. Lawrence be, and is hereby directed, to give public notice in each town in said county of the place where said court is to be held, (when removed from the court-house) when thereunto required by said judges, at least twenty days previous the time of holding said court, any law to the contrary notwithstanding.

CHAP. CLVI.

An ACT to alter the times of holding the Courts of Common Pleas and General Sessions of the Peace in the Counties of Delaware and Genesee.

Passed April 9, 1813.

Times of
holding
courts in
Delaware
county al-
tered.

I. **BE** it enacted by the people of the state of New-York, represented in Senate and Assembly, That after the second Tuesday of June next, courts of common pleas and general sessions of the peace in the county of Delaware, shall be held at the court-house in said county, on the last Mondays in November and February, and a court of common pleas, on the last Mondays in May and August, in every year, instead of the times now appointed by law.

Also in
Greene
county.

II. *And be it further enacted,* That the courts of general sessions of the peace in and for the county of Greene, instead of being held on the first Mondays in January and September, shall hereafter be held on the last Tuesday in May, and last Tuesday in January, in every year; and that the courts of common pleas, instead of being held on the first Mondays in January and September, and last Monday in May, shall hereafter be held on the last Tuesdays in January and May and first Tuesday in September, in every year; and further, that the said courts shall continue open in each of said terms, from day to day, until and including Saturday, in the said terms respectively, if the business in the said courts, or either of them, require it.

III. *And be it further enacted,* That all writs, process, notices and recognizances, made returnable the respective terms of the said courts of common pleas

id general sessions of the peace, in and for the county of Greene so as heretofore held by law, shall be, and hereby are made returnable at the terms of the said courts respectively altered by this act, and that all adjournments, appearances, continuances, and notices in any proceedings in said courts respectively, shall be held and taken to be made to and at the said terms of the said courts respectively, so as aforesaid altered by this act.

CHAP. CLVII.

An ACT to incorporate the Great Island Turnpike Company. Passed April 9, 1813:

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Euben Hopkins, Gideon Jennings, Daniel Millsbaugh, Rehibald Owen and Nathaniel Wheeler, and all such persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin on the road leading from Goshen court-house to Florida, at or near the place where the south line of the Goshen town lots cross the same, from thence across the little and great lands, and from thence to the line of the state of New-Jersey, to intersect the same between the thirty-four and thirty-eight mile-stone, observing the most direct and eligible route that the nature of the ground will allow, shall be, and they are hereby created a body corporate and politic, by the name of "The Great Island Turnpike Company," and they are hereby constituted and declared a body politic, in fact and in name, and by that name they and their successors shall and may have perpetual succession, and are hereby declared capable in law of suing and being sued, pleading and being impleaded; answering and being answered unto, defending and being defended, in all courts and places whatsoever, and also may make and use a common seal, and may alter the same at pleasure; and also that they are hereby made capable in law of purchasing and conveying any estate, real or personal, to the amount of ten thousand dollars.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall not consist more than six hundred shares of twenty-five dollars each, and that Thomas Thorn, Gideon Jennings, Jess Oldfield, Daniel Millsbaugh, and James W. Carpenter are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "An act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to erect and receive at each of the gates or turnpikes to be erected on the said road for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, the following rates of toll, to wit: for every waggon drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every coach, coachee, phaeton or curricule, with two horses, twentyfive cents, and three cents for each additional horse; for every sulkey, chair, chaise, or other one horse pleasure carriage, twelve and an half cents; for every waggon drawn by one horse, eight cents; for every cart drawn by two oxen, twelve and an half cents, and for every additional ox or horse, three cents; for every cart drawn by one horse, six cents; for every horse and rider, or horse driven or led, four cents; for every sleigh or sled drawn by two horses, mules or oxen, eight cents, and for every additional horse, mule or ox, three cents: for every sleigh or sled drawn by one horse or mule, six cents; for every score of horses, cattle or mules, twenty five cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents and so in proportion for any greater or less number.

IV. *And be it further enacted*, That the directors of the said company, shall, on application being made them, commute by the year with any person or persons who live within one mile of said road, for pass-

y of the gates to be erected on the same, or with any person who owns lands on the little or great islands resaid, or in the cedar swamp, who make the little and their landing, although they live more than one mile from the said turnpike road.

V. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, contained in said act, that are not altered or changed in this act: *Provided however*, That the said company hereby incorporated shall be at liberty to make the chord of the arch of the said road not more than twenty-two, nor less than twenty feet.

VI. *And be it further enacted*, That it shall be lawful for the stockholders of the said company, to elect seven directors, four of whom shall be a quorum to transact the business of the said company, any law to the contrary notwithstanding.

CHAP. CLVIII.

ACT for the relief of Matthias Huffman and others.

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the act for the relief of Matthias Huffman and others, passed the nineteenth, one thousand eight hundred and eleven, be and the same is hereby repealed; and that the treasurer, on the warrant of the comptroller, shall forthwith pay to the said Matthias Huffman, and his associates in the said act named, such sums of money as they have paid into the said treasury in pursuance of said act.

CHAP. CLIX.

An ACT for the relief of Frederick Brim.

Passed April 9, 1813.

WHEREAS Frederick Brim, of the town of Cazenovia, in the county of Madison, by his deed of warranty bearing date the seventh day of Jan-

uary, in the year of our Lord one thousand eight hundred and twelve, did release and convey unto Solomon Merrick and Joel Mann, of the place aforesaid, his farm, being part of lots number fifty-two and forty-nine, in the town of Cazenovia aforesaid, containing one hundred and forty-nine acres of land, for the consideration of the said Solomon Merrick and Joel Mann becoming indorsers of a promissory note made by the said Frederick Brim for the sum of two hundred and fifty dollars to the Manhattan Company at Utica, for the benefit of the said Frederick Brim, for the sum of one hundred and fifty dollars only, and before the same became due, was paid and taken up by the said Frederick Brim: And whereas after the payment and discharge of the aforesaid promissory note, and before the said Frederick Brim could procure a conveyance of his said farm, the said Joel Mann sickened and died, leaving a widow and two infant children his heirs at law, in whom the fee simple of the aforesaid is: And whereas it is represented that the said Solomon Merrick and the widow of the said Joel Mann, are willing to reconvey the aforesaid premises to the said Frederick Brim: Now therefore, for the purpose of enabling the said Frederick to obtain title to the aforesaid farm of land without incurring the delay and expense of an application to the court of chancery under the existing laws,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for Solomon Merrick and the widow of Joel Mann, late of Cazenovia, in the county of Madison, under the direction of the chancellor of the state, and upon such terms and conditions as he shall adjudge equitable, to convey by a good and sufficient deed of conveyance, that certain farm or piece of land situate in Cazenovia aforesaid, being parts of lots number forty-nine and fifty-two, containing one hundred and forty-nine acres of land, which is particularly described on a certain deed of indenture bearing date the seventh day of January, in the year of our Lord one thousand eight hundred and twelve, executed by I

erick Brim to Joel Mann and Solomon Merrick, which said deed of conveyance, when executed as foresaid, shall be valid in the law, and shall vest the title of the premises therein to be described in the said Frederick Brim.

CHAP. CLX.

An ACT for the relief of Grace Stanley and her infant Children. Passed April 9, 1813.

WHEREAS Grace Stanley, of the town of Franklin, in the county of Delaware, widow and relict of John Stanley, Junior, deceased, hath represented to the legislature, that her late husband died seized, as tenant in common with Solomon Willis, of one undivided half or moiety of a certain piece or lot of land situate, lying and being in the said town of Franklin, containing one hundred and thirty-three acres, his moiety whereof being of the value of six hundred and sixty-five dollars; that Sopronia and Maria Stanley are the infant children and heirs at law of the said John Stanley, Junior, deceased; and that the said land is diminishing in value on account of its peculiar local situation: And whereas the said Grace Stanley, hath by her petition represented, that she is anxious to promote the interest of the infant heirs, which object can best be accomplished by a speedy sale of the said land: Therefore,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Grace Stanley, of Franklin, in the county of Delaware, widow of John Stanley, Junior, deceased, who is hereby appointed trustee for that purpose, to sell the real estate whereof the said John Stanley, Junior, died seized, consisting of one undivided half or moiety of a certain piece or lot of land in the town of Franklin and county of Delaware, containing one hundred and thirty-three acres, either at public or private sale, on the best terms she can, and to make and execute a good and sufficient deed of conveyance for the same to the purchaser or purchasers hereof, and to his, her, or their heirs and assigns forever, free from any claim of dower or other demand of

the said Grace Stanley or her said infant children: *Provided however*, That before any conveyance shall be executed for the said land the said Grace Stanley shall give such security as the chancellor of this state shall direct, for the faithful application and distribution of the proceeds, the evidence of which security when executed and acknowledged or proved before the said chancellor, or other person duly authorized to take the acknowledgment of deeds, shall be filed in the office of the judge of probates of this state as of record, and an office copy thereof shall be deemed legal evidence of its contents in all courts of justice within this state.

II. *And be it further enacted*, That the said Grace Stanley shall be allowed to retain one equal third part of the interest or income arising or that may arise from the consideration money of such sale or sales ~~for and~~ during her natural life, in lieu of her dower; but the whole of the principal and the other two equal thirds of the interest shall be and remain the property of the said infant children of the said Grace Stanley; and the said Grace Stanley, as trustee for her said infant children, shall loan the consideration money aforesaid at lawful interest, on good and sufficient landed security, for the benefit of her said infant children, to be divided equally between the said children when they shall both have arrived to lawful age.

CHAP. CLXI.

An ACT to divide the Town of Chautauque, in the County of Chautauque, into two towns.

Passed April 9, 1813.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That after the passing of this act all that part of the town of Chautauque, beginning at the north-west corner of township number three, in the fifteenth range of the land belonging to the Holland company, thence south on the line of the state of Pennsylvania to the south-west of township number three, in the fifteenth range aforesaid, thence east between the second and third tier of townships, eight miles and one quarter of a mile, to a post, thence north between lots number thirty-three,

forty-one, thirty-four, forty-two, thirty-five and forty-three, to the place where the said line intersects the Chautauque creek, thence down the centre of said creek to a point, thence by a line to be drawn from said point to the south-east corner of township number five in the thirteenth range, crossing the bridge road at the five mile post in said road, thence north bounding on said township number five, in the thirteenth range, to the boundary line of this state, thence southwesterly along said boundary line till it comes to a place opposite the place of beginning, thence to the place of beginning, shall be and hereby is erected into a town by the name of Portland; and the first town-meeting in said town of Portland shall be held at the house of Jonathan Fass; and that all the remaining part of the said town of Chautauque shall be and remain a separate town by the name of Chautauque, and that the first town-meeting in the said town of Chautauque shall be held at the house where the courts are held in the village of Mayville.

Town of
Portland
erected.

II. *And be it further enacted,* That as soon as may be after the first town-meeting held in the towns of Chautauque and Portland, the supervisors and overseers of the poor of the said towns, on notice being first given by the said supervisors for that purpose, shall meet together and divide the money and apportion the poor belonging to the town of Chautauque previous to the division thereof, agreeably to the last tax list, and that each of the said towns shall forever thereafter respectively support their own poor.

Poor and
poor mo-
ney to be
divided.

CHAP. CLXII.

An ACT to incorporate the Dutchess Union Turnpike Company.

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Thurston Wing, Pelatiah Ward, Elisha Hoag, Adam Hous, James Skidmore, Nicholas Baker and Samuel Lee, and all such other persons as shall associate with them for the purpose of making a good and sufficient turnpike road, to commence at the line dividing the

T. Wing
and others
incorpor-
ated.

states of Connecticut and New-York, at the *termina*tion of a turnpike in said state of Connecticut, *near* Bull's bridge, in the town of Kent, and running from thence to or near to the house of Brice Shove, in the town of Dover, thence to continue the nearest and best route to or near the house of Jackson Wing, in said Dover, thence the nearest and best route to or near the house of Caleb Simpson, in the town of Beekman, thence the nearest and best route to or near the *house* of Adam Crous, in said town of Beekman, *thence the* nearest and best route to or as near the house of Thomas Potter, as the situation of the ground will admit, so as to promote the interest of the public and the *corpora*tion, shall be, and hereby are created a body *corporate* and politic, in fact and in name, by the name of the "President, Directors and Company of the Dutchess Union Turnpike," and by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their successors, lands, *tenements*, hereditaments, goods, chattels and effects, of every kind whatsoever : *Provided*, such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said incorporation, and for no other purpose whatsoever.

Their
style, &c.

Proviso.

Stock.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of one thousand shares of twenty dollars each, and that Samuel Slee, Benjamin Arnold, Nicholas Baker, Adam Crous, Elisha Hoag, Jonah Raymond, and Thurston Wing, shall be, and are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act entitled "An act relative to turnpike companies," passed the 13th day of March

Rates of 1807.
toll.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to erect and keep up on said road, one turnpike gate, at which they shall be entitled to exact and receive, from all persons travelling and using said road, the following rates of toll : for every score of sheep or hogs, twelve and an half cents ; for every score of cattle, horses o

mules, in droves, thirty cents ; for every horse and rider, six cents ; for every horse led or driven, three cents ; for every sulkey, chair or chaise, with one horse, nineteen cents ; for every additional horse, six cents ; for every cart or waggon, drawn by one horse, ten cents ; for every chariot, coach, coachee or phaeton, drawn by two horses, forty cents ; for every additional horse, six cents ; for every stage, waggon, or other four-wheeled carriage, drawn by two horses, mules, or oxen, nineteen cents ; and for every additional horse or ox, six cents ; for every cart, drawn by two oxen or horses, nineteen cents ; and for every additional horse or ox, six cents ; for every sleigh or sled, drawn by two horses or oxen, ten cents, and for every additional horse or ox, five cents ; for every sleigh, drawn by one horse, six cents.

IV. And be it further enacted, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the said act : *Provided nevertheless*, That the wages or compensation of the commissioners for laying out said road, shall be two dollars per day, and no more, any thing in any former act to the contrary notwithstanding.

CHAP. CLXIII.

An ACT for the relief of the creditors of Peter Du Bois, deceased. Passed April 9, 1813.

WHEREAS Peter Du Bois, and Catherine, his wife, by deed bearing date the twentieth day of December, in the year of our Lord one thousand seven hundred and seventy, did grant and convey unto Henry White, Jacob Walton, James Duane, and Samuel Ver Plank, and to the survivor of them, in trust for the payment of the debts of the said Peter Du Bois, a great portion of his real estate, situate within this state : And whereas a part of the real estate so conveyed in trust, and also some not so conveyed, are still unsold,

and considerable sums still remain due to the creditors of the said Peter Du Bois, and the said Samuel Ver Plank, the only surviving trustee, refuses to interfere with the estate in the sale or disposition thereof: And whereas John A. Schuyler, one of the creditors of the said Peter Du Bois, hath presented his petition to the legislature, praying that he may be authorised to sell the residue of the real estate of the said Peter Du Bois, at present remaining unsold, and that the proceeds be applied to the payment of the debts of the said Peter Du Bois: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for John A. Schuyler to grant, bargain, sell and convey all the real estate of the said Peter Du Bois at present remaining unsold, and on such sale, to make and execute to the purchaser or purchasers good, ample and sufficient deeds or conveyances for granting, selling and conveying the same: Provided always, That before any such sale shall be made, the said John A. Schuyler shall file a bond in the office of one of the registers in the court of chancery of this state, with one or more sureties to be approved by the chancellor of this state, conditioned that the said John A. Schuyler shall well and truly account for and pay into the said court of chancery all and every such sum or sums of money, as he shall receive on the sale of all or any part of the said estate, and shall also produce to the said chancellor a release executed by the said Samuel Ver Plank, of all his right as trustee as aforesaid, in and to the estate of the said Peter Du Bois, or shall prove to the satisfaction of the said chancellor that the said Samuel Ver Plank has refused or shall refuse to interfere with, sell or convey such estate, and the said chancellor shall within one year after the receipt of such sum or sums of money, cause a distribution to be made thereof in such manner as he shall deem fit and proper: And provided further, That if there shall be any surplus money remaining over and above the payment of all the debts of the said Peter Du Bois, such surplus shall be paid by order of the

said chancellor in the treasury of this state for the benefit of the state: *Provided always*, That nothing in this act shall be construed to authorize the said John A. Schuyler to interfere with or contest the rights of any persons whatsoever claiming lands under sales made by the original trustees, or a major part of them.

CHAP. CLXIV.

An ACT to amend the act entitled "An act to incorporate the Mountain Turnpike Company."

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the president and directors of the mountain turnpike company, in the county of Schoharie, have liberty to erect their toll gate (which by the act hereby amended was to be placed on the bridge across the Schoharie creek) or near said bridge any thing in the act to be hereby amended to the contrary notwithstanding.

CHAP. CLXV.

An ACT for the relief of the Heirs and Representatives of John Osterman, deceased.

Passed April 9, 1813.

WHEREAS the widow and heirs of John Osterman, deceased, have presented their petition to the legislature, setting forth that the said John Osterman, deceased, died intestate, seized and in possession of certain land and real estate in the town of Flushing, in the county of Queens, in this state, and praying that a law may be passed authorizing and directing a sale of the said land and real estate, and the proceeds thereof to be disposed of, appropriated and paid unto and amongst the persons interested in the said lands and real estate, according to their respective estates and interest therein: And whereas it appears from the facts set forth in the said petition that the sales of the said premises will be beneficial to those who are interested therein: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Sarah Osterman, the widow, and David Osterman and Peter

Osterman, sons of the said John Osterman, deceased, be and they are hereby appointed trustees, with full power to them or any two of them, to grant, bargain and sell the said land and real estate whereof the said John Osterman, deceased, died seized and in possession, and to execute to the purchaser or purchasers good and sufficient deeds and conveyances for the same.

II. *And be it further enacted*, That the said trustees shall cause one third part of the proceeds of the said sale, after deducting their reasonable costs and charges, to be put out at interest, on good and sufficient security, or vested and placed in and upon some good productive stock or funds of a permanent nature, and shall permit and suffer the said Sarah Osterman, the widow of the said John Osterman, deceased, to receive the interest and income thereof, and pay over such parts of the same as shall come to their hands to her during the time of her natural life, in lieu of her dower and right of dower of and in the said lands and real estate so to be sold as aforesaid, and upon her decease, the principal money to be divided and paid unto and among the heirs of the said John Osterman, deceased, or their respective guardians, executors, administrators or assigns, in such shares and portions as the said heirs at now entitled unto and interested in the said land and real estate so to be sold.

III. *And be it further enacted*, That the said trustees shall distribute, divide and pay the remaining two third parts of the money and proceeds to arise and be made by such sale, after deducting their reasonable costs and charges, unto and among the said heirs of the said John Osterman, deceased, or the respective guardians of such of them as may be in minority, according to their respective estates and interest in the said land and real estate so to be sold, the portions of the monies respectively, and the income thereof, or so much of the same, as well principal as interest, as may be necessary for that purpose, to be applied in or towards the maintenance and education of such minor or minors respectively, during minority, and the same to be accounted for, and after allowance and deduction made of the

or sums, if any, that may be expended and dis-
 ed for the purposes aforesaid paid over to such
 or or minors respectively, at his or her respective
 or ages of twenty-one years.

V. *And be it further enacted*, That the said trustees,
 re they enter upon the execution of the said trust,
 l execute a bond to the people of this state, with
 surety or sureties and in such sum as the chan-
 or of this state shall direct, conditioned for the due
 faithful execution of the said trust, which bond
 l be filed in the office of the register in chancery
 he city of New-York, for the benefit and use of
 said widow and heirs of the said John Osterman,
 eased.

. *And be it further enacted*, That the said widow
 ne said John Osterman, deceased, before she shall
 entitled to receive any part of the aforesaid interest
 le payable to her during life as aforesaid, shall
 ute to the purchaser or purchasers, their heirs and
 gns, a release of her dower and right of dower, in
 to the premises so sold.

I. *And be it further enacted*, That in case the said
 tees, or any or either of them, shall die before the
 ution of the said trust shall be completed, it shall
 awful for the chancellor aforesaid to appoint other
 tee or trustees in his, her or their place and stead,
 shall in all respects conform to the directions of this

Provided, That no conveyance to be made in vir-
 of this act shall be binding on the infant heirs of the
 John Osterman unless the chancellor of this state
 l certify on such conveyance that the same is ben-
 ial to the said infant heirs.

CHAP. CLXVI.

ACT for the relief of Joshua Harnden and others.

Passed April 9, 1813.

BE it enacted by the people of the state of New-
 York, represented in Senate and Assembly, That
 hall be lawful for the commissioners of the land-of-
 , and they are hereby required to treat with the heirs
 representatives of Donald Fisher, deceased, touch-

ing any claim which the said heirs may have to a tract of land granted by the crown of Great Britain to Barnard Byrne, situate in the town of Granville, in the county of Washington, and which has since been sold by the commissioners of forfeitures for the Eastern District, and is now in the occupation of Joshua Hamden and others; and the said commissioners of the land-office are hereby authorized and empowered in their discretion to quiet the said claim upon such terms and in such manner as to them may seem just and proper; and in case the said commissioners of the land-office shall not deem it expedient to quiet the claim of the heirs or representatives of the said Donald Fisher to the said tract of land, then it shall be lawful for the said commissioners, and they are hereby required to report to the legislature at their next session, the amount of money which in their opinion ought to be paid by the people of this state to the respective occupants of the said tract of land, in case the heirs or representatives of the said Donald Fisher have valid title to the same, and in the meantime to take such measures in relation to the further defence of the title and possession of the said occupants as they shall judge necessary and proper.

II. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay all such sums or sums of money out of any monies in the treasury not otherwise appropriated as shall be certified and allowed by the said commissioners in pursuance of this act

CHAP. CLXVII.

An ACT for the relief of John Bogart.

Passed April 9, 1813.

BE it enacted by the people of the state of New York, represented in Senate and Assembly, That James Le Grange is hereby appointed one of the commissioners instead of John Bogart, for improving the navigation of the Hudson river from the city of Albany to the Overslaugh at Coeymans; and that so long as Hugh Boyd, Gilbert Stewart and James Le Grange shall execute a bond to the people of this state, in penalty of twenty thousand dollars, conditioned for faithful expenditure of ten thousand dollars hereto

enced by the treasurer of this state, in pursuance of act entitled "An act for the further improvement of navigation of the Hudson river between the village of Troy and Coeymans overslaugh," it shall be lawful for the comptroller to cancel the bond heretofore executed by Hugh Boyd, Gilbert Stewart, and John Bogart in pursuance of the said act.

CHAP. CLXVIII.

ACT to incorporate the Broome County Manufacturing Company. Passed April 9, 1813.

BE it enacted by the people of the state of New York, represented in Senate and Assembly, That T. Whitney, Tracy Robinson, Marshal Lewis, ^{ney and others in-} on Whitney, Christopher Eldridge, James M'Ken- ^{corporat-} and all such other persons as shall associate for ^{ed.} purpose of establishing a manufactory of cotton wool in the town of Chenango, in the county of Broome, shall be and they are hereby created and made a body politic and corporate, in fact and in name, by the name of "the Broome county manufacturing company" and by that name they and their successors, for the term of twenty years, shall have continual succession, shall be persons in law capable of suing and being sued, defending and being defended in all actions and suits whatsoever, have a common seal, and change name at pleasure; purchase, take, hold and convey real estate, real or personal, necessary for the objects of the incorporation.

Their style, &c.

And be it further enacted, That the stock, profits and concerns of the said corporation shall be managed and conducted by five trustees, who shall be stockholders, and shall be annually elected on the first day in April, at such time of the day and at such place within the village of Chenango Point as the bye-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding election not less than ten days previous thereto, in such manner as the bye-laws shall direct; and the same shall then and there be made by such of the stockholders as shall attend for that purpose, either in

Concerns how to be managed.

person or by proxy; and all elections shall be by lot, each share in the stock having one vote, and five persons having the greatest number of votes shall be the trustees; and whenever any vacancy shall happen among the trustees by death, resignation, or removal out of the state, such vacancy shall be filled, the remainder of the year by the remainder of the board for the time being.

III. *And be it further enacted,* That in case it should at any time happen that an election of trustees should not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold an election of trustees in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Stock. IV. *And be it further enacted,* That the stock of the said company, shall consist of two thousand shares of fifty dollars each; and it shall be lawful for the said trustees to call and demand from the stockholders respectively all such sums of money by them subscribed at such time and in such proportion as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, if such payments be neglected to be made for the space of ten days after the same ought to be made, and thirty days previous notice of such call and demand shall have been given to such stockholder, or published in any newspaper printed in said county of Broome.

Bye-laws may be made. V. *And be it further enacted,* That the trustees at the time being shall have power to make and prescribe such bye-laws, rules and regulations as shall appear needful and proper, touching the management and disposition of the stock, property, estate and effect of the said corporation, the duties of the officers, officers and servants by them employed, the election of trustees, and all such matters as appertain to the concerns of the said corporation, to appoint such many officers, clerks and servants for carrying on the business of the said corporation, and with such provisions as to them shall seem meet: *Provided,* That

bye-laws be not inconsistent with the constitution or laws of this state or of the United States.

VI. *And be it further enacted*, That it shall and may be lawful for the said Joshua Whitney, Tracy Robinson, Marshal Lewis, Mason Whiting, Christopher Eldridge, James M'Kenney, or so many of them as shall associate for the purpose, to erect and maintain a dam across the Susquehannah river, near the Chenango point, in the said town of Chenango, not exceeding four feet in height above low water mark: *Provided* however, there shall be left in said dam a place sixty feet in width which shall be one foot and an half lower than the other parts of the said dam, with an apron of an even ascent from the bottom of the river to the top of said lowest part of said dam not less than seventy feet in length to admit the passage of rafts and boats down and fish up the said river, each side of which apron shall be secured with timber or strong plank two feet above the same, in such manner as to prevent boats and rafts running off the sides of said apron in passing over the same: *And provided further*, That the said persons so as aforesaid authorized to build such dam shall make compensation to Theodore Burr for any and all such private damages as he may sustain by an apron of such dam being an injury to his mill already erected, the amount of such damages to be ascertained, in case the parties interested cannot agree therein, by three disinterested commissioners to be appointed for that purpose on the application of either party, by the person administering the government of this state: *And provided further*, That the dam to be erected by the said company shall be erected above and not less than fifty rods from the mouth of the Chenango river.

A dam may be built across the Susquehannah river.

Proviso.

CHAP. CLXIX.

An ACT to authorize alterations to be made in the road from the Little Falls to Oppenheim, and for another purpose.

Passed April 9, 1813.

- I. **B**E it enacted by the people of the state of New York, represented in Senate and Assembly, That Jacob Markell, Andrew A. Finck and Ezekiel Beld-

Commis's
to alter the
route of
the road.

ing, or any two of them, are hereby appointed *com*
missioners to make such alterations in the road *here*
tofore laid out by virtue of the act entitled "An act
to appoint commissioners to lay out a certain *road*
therein mentioned," passed the ninth day of *April*
1811, as they shall deem the public good requires, and
they shall cause an accurate map and survey to be
made of such alterations, and filed in the office of the
clerk of the town in which any such alteration shall be
made, and the provisions contained in the third *section*
of the act above mentioned shall extend and apply
to any lands on which any such alterations shall be
made.

Time ex-
tended for
settling
disputes.

II. *And be it further enacted*, That the *ninth section*
of the act entitled "An act for settling *disputes and*
controversies between the persons claiming certain
lands in the town of Kinderhook under a patent grant-
ed to Hendrix De Bruyn and the possessors thereof,"
passed the 8th June, 1812, be and the same is hereby
amended so as to extend the time for the *determinations*
to be made by virtue of that to two years from the
passage thereof,

CHAP. CLXX.

*An ACT to incorporate the New-Paltz and Platte
Kill Turnpike Company. Passed April 9, 1813.*

I. **B**E it enacted by the people of the state of *New-*
York, represented in Senate and Assembly, That

J. Has-
brouck &
others in-
corporat-
ed.

Josiah Hasbrouck, Abraham I. Hardenbergh, David
Downe, William P. Lott, Daniel Birdsall, and all such
other persons as shall associate for the purpose of mak-
ing a good and sufficient turnpike road to begin at or
near the dwelling-house of Samuel Budd, in the town
of New-Paltz, in the county of Ulster, from thence to
run southwardly along or near the road leading to
Platte Kill as convenient to or near the dwelling-house
of Josiah Hasbrouck, in the said town of New-Paltz
thence to intersect the Newburgh and Sullivan turn-
pike road, between the houses of John Crowell and
Thomas Rodman, in the town of Newburgh, in the
county of Orange, so as to promote the interest of the

public and this corporation, and their successors be and they are hereby created a body corporate and politic, by the name of "The president, directors and company of the New-Paltz and Platte Kill turnpike," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

Their
style, &c.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of five hundred shares of twenty-five dollars each, and that David Downe, Josiah Hasbrouck, Stephen Nottingham, Daniel Birdsall and Henry Parish, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act entitled "An act relative to turnpike companies," passed the 13th day of March, in the year of our Lord 1807.

Stock.

III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact and receive at each of the gates or turnpikes to be created on said road for every number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same; for every waggon drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox attached to such waggon; for every cart or other carriage drawn by two horses, mules or oxen; twelve and an half cents, and for every

Rates of
toll.

additional horse, mule or ox attached to such *cart* or other carriage, three cents; for every horse and *rider*, six cents; for every horse led or driven, three cents; for every cart drawn by one horse or mule, six cents; for every chair, sulkey, chaise or other pleasure carriage with one horse, twelve and an half cents; for every chariot, coach, coachee or phaeton, or other four wheeled pleasure carriage, twenty-five cents; for every sleigh or sled drawn by two horses, mules or oxen, eight cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number; for every stage-waggon drawn by two horses, twelve and an half cents, and three cents for every additional horse attached to such stage-waggon.

Privileges IV. *And be it further enacted*, That the number of directors hereby incorporated shall be five, three of whom shall be a quorum, and capable of managing the business and concerns of the company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said general act passed the thirteenth of March, in the year one thousand eight hundred and seven: *Provided however*, That the chord of the arch of the road hereby authorized to be made shall not be less than twenty-two feet.

CHAP. CLXXI.

An ACT establishing and regulating a Ferry across the Outlet of the Oneida Lake.

Passed April 9, 1813.

I. *BE it enacted by the people of the state of New York, represented in Senate and Assembly*, That it shall and may be lawful for Jonathan Emmons, the town of Cicero, in the county of Onondaga, his heirs and assigns, to set up and maintain a ferry across the outlet of the Oneida lake for and during the term of ten years from the first day of May next.

J. Emmons
may set up
and keep
the ferry.

II. *And be it further enacted*, That the said Jonathan Emmons, his heirs and assigns, shall if they set ^{He shall erect a landing place.} a ferry by virtue of this act, erect a convenient dock or landing place, on such part of the land of the said Jonathan Emmons, on the south side of the said outlet, as shall be most suitable for that purpose, and shall during the term aforesaid keep and maintain a good and sufficient ferry boat, capable of conveying carriages and horses, and ready at all reasonable times and seasons to ferry and transport across said outlet, persons, goods and chattels.

III. *And be it further enacted*, That if any person or persons shall, after the first day of May next, set up, ^{Others prohibited from setting up a ferry.} keep or maintain a ferry, or shall carry or transport any persons, goods or chattels for pay across the said outlet, within two miles of the ferry established by virtue of this act, other than the said Jonathan Emmons, his heirs, or assigns, such person or persons shall for every such offence forfeit and pay the sum of five dollars, to be recovered in any court having cognizance thereof by any person who shall sue for the same: *Provided always*, That nothing herein before contained shall be construed to preclude any person or persons inhabiting on said outlet, within the limits aforesaid, from the right of transporting themselves and their goods and chattels across the said outlet in their own boats.

IV. *And be it further enacted*, That the court of common pleas for the county of Onondaga, in their sessions, may and shall annually order and direct the several rates of toll to be taken at said ferry; and if the said Jonathan Emmons, or any person employed by him, his heirs or assigns, shall receive any greater toll than shall be allowed as aforesaid, he shall forfeit and pay five dollars, to be recovered by any person who will sue therefor; and in case the said Jonathan Emmons, his heirs and assigns, shall at any time after six months from the time of passing this act, neglect to keep such ferry as is contemplated by this act, at all reasonable hours of the day, it shall be lawful for the said court to adjudge that all the rights granted to him under this act shall cease and be of no effect. ^{Rates of toll how to be fixed.}

CHAP. CLXXII.

*An ACT for the relief of the Representatives of
Isaiah Hall, deceased.* Passed April 9, 1813.

WHEREAS Isaiah Olcott, Mabel Olcott, and Chancey Jerome, administrators of the estate of Stephen Hall, deceased, the said Mabel, the late widow of said Stephen, and mother of Hiram Hall, Fidelity Hall, Mary Hall and Stephen Hall, the infant heirs of the said Stephen, have presented their petition to the legislature praying to be enabled to sell the real estate whereof the said Stephen Hall died seized in this state: And whereas it appears from the facts set forth in said petition that the sale of the said real estate will be beneficial to those interested in the same: Therefore,

I. Be it enacted by the People of the State of New York, represented in Senate and Assembly, That Isaiah Olcott, Chancey Jerome and Henry Seymour be and are hereby appointed trustees, with full power to them or any two of them to grant, bargain and sell all the real estate whereof the said Stephen Hall died seized in this state, either for cash or upon credit, in part or the whole, and that they or any two of them may execute good and sufficient deeds and conveyances in the law in the same to the purchaser or purchasers thereof.

II. And be it further enacted, That the said trustees shall cause one third part of the proceeds of the said sales to be put out at interest on good and sufficient security, or vested in the stock of any of the banks incorporated in this state, and the said Mabel Olcott shall be entitled to receive the interest thereof during the term of her natural life, in lieu of all dower and right of dower in the said real estate, and upon her decease the principal shall be paid to Hiram Hall, Fidelity Hall, Mary Hall and Stephen Hall, the children and heirs at law of the said Stephen Hall, deceased, or their legal representatives, in equal portions, share and share alike.

III. And be it further enacted, That the said trustees shall apply as much of the remaining two thirds of the said proceeds as shall be sufficient for that purpose

ards the discharge of the debts and contracts of the Stephen Hall, and shall cause the residue thereof to be put out at interest upon good and sufficient security, or to be vested in the stock aforesaid, and shall pay the interest and income thereof towards the support and education of the said Hiram Hall, Fidelia Hall, Mary Hall and Stephen Hall, and when and as the said children, Fidelia, Mary and Stephen shall arrive at the age of twenty-one years respectively, the said trustees shall pay the said residue to the said Hiram, Fidelia, Mary and Stephen, in equal portions, share and share alike.

V. And be it further enacted, That the said trustees, before they enter on the execution of said trust, shall execute a bond to the said widow and infant child, with two sufficient sureties to be approved by the chancellor of this state, in such sum as the chancellor shall direct, conditioned for the due and faithful execution of the said trust, which bond shall be filed in the office of the register or assistant register of the court of chancery for the use of the said Mabel and infant child.

VI. And be it further enacted, That the said Mabel Isayah Olcott, before she shall be entitled to receive any part of the said interest, shall execute to the said purchaser or purchasers, their heirs and assigns, a release of her right of dower in and to the premises so conveyed, proved and acknowledged in the way and manner prescribed by law.

VII. And be it further enacted, That in case the said trustees, or any of them, shall die before the execution of the said trust shall be completed, it shall be lawful for the chancellor to appoint other trustees in their stead, who shall in all respects conform to the directions of this act.

CHAP. CLXXIII.

ACT *relative to a Road in the Township of Sterling, and elsewhere.* Passed April 9, 1813.

BE it enacted by the people of the state of New York, represented in Senate and Assembly, That John Smith, of Aurelius, William Lyon, of Cato, and Augustus F. Ferris, of Cato, be and are hereby ap-

pointed commissioners for the purpose of *opening* improving the road from lot number sixteen, in township of Aurelius, to the Seneca river, and for building a bridge over said river to lot number thirty-seven in the former township of Brutus, now Cato, and for the said bridge to open and improve the road through the line of Sterling to Wolcott, and also from said bridge to Fryzine's mills, on lot number four, in township of Cato.

II. *And be it further enacted*, That the surveyor-general be and he is hereby directed to sell and dispose of, in such manner as the commissioners of the land-office may direct, lots number thirty-two and number sixty-two, now unappropriated, in the township of Sterling, and to pay such sum or sums of money as they shall produce, to the commissioners aforesaid for the purposes aforesaid: *Provided however*, That previous to paying said money said commissioners shall give to the comptroller of this state sufficient security that they will faithfully expend and account for said money, and the certificate of the comptroller shall be considered by the said surveyor-general as proof that the said commissioners have complied in giving said security.

III. *And be it further enacted*, That each of the commissioners appointed by this act shall be entitled to two dollars per day for each day they may be respectively employed in the discharge of the duties imposed on them by this act, to be paid out of the money hereby appropriated.

CHAP. CLXXIV.

An ACT further to suspend the collection of the assessments therein mentioned. Passed April 9, 1812.

WHEREAS the commissioners appointed and in conformity to the act entitled "an act for the appointment of commissioner to ascertain the best method of conveying off the waters from Collect and Lisperard's meadow, in the city of New York," passed June 19, 1812, have made a return report to the legislature at the present session, of

determination in the premises referred to them, according to the directions of the said act, thereby amongst other things recommending as the best method of conveying off the said waters, that Canal-street in the said act mentioned should be continued in its present direction, from the north or Hudson river to Broadway, and that a tunnel or covered sewer of the form and dimensions specified in the said report should be laid along the center of the said street, but that the remaining part of the said street should be varied in the manner suggested by them the said commissioners in their said report: And whereas the mayor, aldermen and commonalty of the city of New-York have presented their memorial to the legislature, objecting to the reasons by them there set forth to the plan proposed by the said commissioners, and soliciting the legislature not to sanction or approve the same: And whereas the consideration of the said plan has been postponed until the next session of the legislature: And whereas a petition has been presented to the legislature on behalf of the owners and occupants of houses and lots of ground included in an assessment made under and in conformity to an act entitled "An act respecting streets in the city of New-York," passed March 24, 1809, of the expences incurred in laying out and opening Canal-street aforesaid among the owners and occupants of houses, lots and lands intended to be benefitted thereby, representing themselves as aggrieved by the said assessment, and praying that the collection thereof may be suspended, either until some more equal and correct rule can be adopted for raising the money required for the reimbursement of the said expences, or at least until some plan for regulating the ground in question shall be adopted, or such other relief can be granted in the premises as to the legislature may seem proper: And whereas it appears reasonable to the legislature that the collection of the said assessment should be suspended until the decision of the legislature can be had in the premises; Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That all further

collections of the said assessments, or of any sum of money assessed upon any houses, lots or lands, or the owner or occupants of any houses, lots or lands, deemed to be benefitted by the said street for the expenses of laying out or opening the same, except only such as may be assessed upon houses and lots fronting on the said street called Canal-street, shall be and hereby are suspended until the end of the next session of the legislature: *Provided*, That nothing in this act contained shall be construed to impeach or impair any cause of action or claim of the mayor, aldermen and commonalty of the city of New-York, or any lien upon any grounds or premises for the payment of the said assessments and sums of money, with interest for the same, as allowed by the herein first above mentioned act, but only to suspend and postpone the collection, recovery or demand thereof, until the end of the next session of the legislature as aforesaid.

CHAP. CLXXV.

An ACT for the relief of Alexander Crofts and others.

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for Alexander Crofts, Christian Petrie, Isaac D. Fonda and Philip P. Feller, of the town of Livingston, in the county of Columbia, to clear a fishing ground on the east side of the channel in Hudson river, beginning at the south side of Roeliff Jansen's kill or creek where it empties into said river, extending thence southerly in and along said river to the fishing ground now occupied by John Nicholas Rouse and Jacob Sheffer, in Clermont, and extending into the channel of said river so far as shall be necessary for a fishing ground, and that they the said Alexander Crofts, Christian Petrie, Isaac D. Fonda and Philip P. Feller, their respective heirs and assigns, shall have, hold and enjoy the exclusive right and privilege of fishing in the water and upon the ground aforesaid within the limits above said with seines and nets, for fifteen years from the passing of this act.

CHAP. CLXXVI.

An ACT to vest certain powers in the Freeholders and Inhabitants of the Town of Flushing, in the County of Queens.
 Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That e freeholders and inhabitants of the town of Flushing ^{Trustees' how to be chosen.} ho are qualified to vote at town-meetings may, on e first Monday of May next, meet at some proper ace in said town to be appointed by any justice of the ace in said county, and notified to the inhabitants at ast eight days previous to such meeting in three of e most public places in said town, and then and there oceed to elect by ballot five discreet freeholders resent in said town, to be trustees thereof, who when osen shall possess the several powers and rights here-ter specified; and such justice shall preside at such eeting, and shall declare the several persons having e greatest number of votes as duly elected trustees; d, on every first Monday of May in every year after e first election of the trustees, there shall in like man-r be a new election of trustees for said town, and e trustees for the time being shall perform the sev-al duties required by the said justice of the peace in spect of notifying the meeting of, the freeholders and abitants of the town, and of presiding at such elec-on.

II. *And be it further enacted,* That all the freehold-s and inhabitants of said town be and they are here-ordained, constituted and declared to be forever reafter one body, politic and corporate, in fact and name, by the name of the "trustees of the town of lushing," and by that name they and their successors all have perpetual succession, and be persons in law pable of suing and being sued, pleading and being upled, answering and being answered unto, de-nding and being defended in all courts and places hatsoever, in all manner of actions, complaints and uses whatsoever; and that they and their successors ay have a common seal, and may change and alter e same at pleasure.

<sup>Inhabi-
tants of
Flushing
incorpor-
ated.</sup>

Duty of
the trust-
ees.

III. *And be it further enacted*, That the trustees chosen by virtue of this act shall have charge of the public property belonging to said town, and shall manage and dispose of the same in the manner they may deem most conducive to the interest of the town, and shall have power from time to time to make and ordain all such bye-laws and prudential rules and regulations as they may deem proper for and concerning the use and management and disposition of the said public property of said town, and the same to annul and again to renew or others make, from time to time as occasion may require, and in all cases and on all questions touching the premises a majority of the said trustees shall be competent and sufficient, and the acts, bye-laws and regulations receiving the assent of such majority shall be as valid and binding as if the said trustees had all agreed to the same: *Provided*, That such bye-laws be not repugnant to the laws of this state or of the United States.

Relative
to the fer-
ry at
Whites-
tone.

IV. *And be it further enacted*, That it shall be lawful for the said trustees, or the major part of them, to take charge of the ferry hitherto kept at Whitestone, on Long-Island sound, or to establish one in any other place in said town, which may be deemed most advantageous, and may lease out such ferry for such terms of years as they shall judge will most promote the public accommodation.

Relative
to the
bridge at
Flushing
creek.

V. *And be it further enacted*, That it shall be lawful for the said trustees chosen by virtue of this act to grant permission to the president and directors of the Flushing and Newtown turnpike bridge and road company to strengthen their bridge across the Flushing creek, by erecting stone piers, such as shall be necessary for the support thereof, provided such piers do not interfere with or in any way injure the rights of individuals.

Relative
to fines.

VI. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any bye-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws as the

my think proper, the sum not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, with costs of suit, by the trustees for the use of said corporation.

CHAP. CLXXVII.

An ACT for the relief of Adam Shaver.

Passed April 9, 1813.

WHEREAS John Geywits, on the sixteenth day of June, in the year of our Lord one thousand eight hundred and six, did covenant to convey to Adam Shaver a certain farm, situate in the town of Minden, in the county of Montgomery: And whereas the greater part of the consideration money for the said farm has been paid by the said Adam Shaver to the said John Geywits in his life time: And whereas the said John Geywits died intestate, on or about the month of July, in the year of our Lord one thousand eight hundred and twelve, without having conveyed the said farm to the said Adam Shaver, leaving the following children his heirs at law, to wit, Reney Geywits, Susannah Geywits, John Geywits, Peggy Geywits, Adam Geywits, and one other child, all except Reney Geywits infants under the age of twenty-one years: And whereas Elizabeth Geywits, the widow and administratrix of the said John Geywits, has presented her petition praying to be authorized to convey the said farm to the said Adam Shaver in fee: Therefore,

Be it enacted by the people of the state of New-York, presented in Senate and Assembly, That it shall and may be lawful for Elizabeth Geywits, the widow of John Geywits, late of Minden, in the county of Montgomery, to convey by a good and sufficient deed of conveyance, that certain farm or piece of land, situate in Minden aforesaid, being part of lot number fourteen in a patent granted to John M'Neil and others, that is to say, the westerly part of said lot number fourteen, and to contain eighty acres of land, which said deed of conveyance, when executed as aforesaid, shall be valid in the law, and shall vest the title of the premises therein to, be described in the said Adam Shaver: *Provid-*

ed, That the chancellor shall indorse on ~~such deed~~ that the said Adam Shaver is equitably ~~entitled~~ to the said farm.

CHAP. CLXXVIII

An ACT for the relief of John Jonson, Junr.

Passed April 9, 1811.

WHEREAS John Jonson, junior, one of the Brothertown Indians, has by his petition represented to the legislature, that the superintendent of the affairs of the Brothertown Indians did, in the year one thousand eight hundred and five, assign to him lot number one hundred and thirty-eight, of the Brothertown tract, and that a great part of said lot is unfit for cultivation: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the superintendants of the affairs of the Brothertown Indians to assign to the said John Jonson, junior, such other lot in the said tract as they in their discretion shall think proper, in the manner directed by the twentieth section of the act entitled "An act relative to Indians," passed the 4th April, 1801: Provided, That the said John Jonson, junior, shall execute a release of said lot number one hundred and thirty-eight, to the Brothertown Indians, which release is hereby declared to be valid against said John Jonson, junior, and his heirs, and to revest the title of said lot number one hundred and thirty-eight in the said Brothertown Indians in the same manner as if no assignment thereof had ever been made to the said John Jonson, junior, and his heirs.

CHAP. CLXXIX.

An ACT to incorporate the Fort-Edward Bridge Company.

Passed April 9, 1813.

WHEREAS William Finn and Ebenezer Kirball, of the village of Fort Edward, in the town of Argyle, and county of Washington, and others, have by their petition presented to the legislature, prayed leave to build a toll bridge over a stream of water called the Fort Edward creek, in the said village

Preamble.

and it appearing that such bridge when erected will be of great public utility: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the

said William Finn and Ebenezer Kimball, and all such persons as shall associate for the purpose of building the said bridge on the public highway, at the place where the present bridge stands in the said village, and their successors, be and are hereby created and made a corporation and body politic, in fact and in name, by the name of "the Fort Edward Bridge Company,"

W. Finn
and others
incorporated.

and may so continue for the space of ten years; and the said corporation shall by that name be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record, or any other place whatsoever.

II. *And be it further enacted,* That the said William Finn and Ebenezer Kimball be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall on or before the first day of April next, procure books, and in each of them enter as follows: "We whose names are hereunto subscribed do, for ourselves and our legal representatives, promise to pay to the Fort Edward bridge company the sum of twenty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion and at such time and place as shall be determined by the president and directors of the said company;" and the said books shall be deposited with the said commissioners, and opened at such times and places as they may direct, ten days previous notice of which shall be put up in at least two public places in the said village of Fort-Edward, and at two public places in the village of Sandy-Hill, in the town of Kingsbury and county aforesaid; and every subscriber shall at the time of subscribing pay to the said commissioners, or one of them, the sum of three dollars for each share so subscribed.

Their
style, &c.

Subscriptions how to be received.

III. *And be it further enacted,* That the number of shares or subscriptions constituting the stock or funds

Stock.

Concerns
to be man-
aged by 7
directors.

of the said corporation shall not exceed *one hundred* shares, and that each stockholder be entitled to as many votes as he owns shares of stock in said company and the said commissioners shall as soon as the said number of shares are subscribed, cause a notice to be put up at two public places in each of the villages aforesaid, of the time and place the said subscribers shall meet for the purpose of choosing seven directors who shall be stockholders, to manage the concerns of the said company for one year, which notices shall be put up ten days at least before the said meeting; and the day on which the said directors shall be chosen shall thereafter be the anniversary day for choosing directors; and the said directors shall *immediately* after their election proceed to the choice of one of their number for president, and the said president and directors may meet from time to time, and shall have power to make such bye-laws, orders and regulations not inconsistent with the constitution or laws of this state or the United States, as may be necessary for the well ordering the affairs of the said corporation, and for the disposition of the stock and property of the said company.

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation, and the directors of the preceding year shall continue in office until others are chosen as aforesaid.

Dimen-
sions of the
bridge.

V. *And be it further enacted*, That it shall and may be lawful for the said directors, or a major part of them, to cause a bridge to be built on the said highway at the said Fort Edward creek, at the same place where the present bridge stands, which said bridge so built shall not be less than sixteen feet wide, built in substantial and workmanlike manner, and shall wi

one year from the passing of this act be so far completed as with safety to admit the passing of carriages of every kind.

VI. *And be it further enacted*, That as soon as the said bridge be so far completed as safely to admit passing as aforesaid, it shall and may be lawful for the said directors to erect a gate at one or both ends of the said bridge for the collection of tolls at the following rates, to wit: for a person and horse, two cents; for every head of neat cattle, one cent; for every horse, mare or colt, one cent; for sheep and hogs at and after the rate of six cents per score; for every carriage drawn by two horses or oxen, six cents, for each additional horse or ox, two cents, which said toll it shall be lawful for the said company to demand and receive of and from all persons passing said bridge; and it shall also be lawful for the said directors to cause a convenient building to be erected on the said highway so as not to obstruct the passage of carriages, for the toll-gatherer to reside in: *Provided always*, That no toll shall in any wise be demanded or received from any person or persons, either on account of themselves, their horses, cattle, waggons or other carriages, having occasion to pass and repass over the said bridge to any part of the said village of Fort Edwards, with hay or wood for sale or their own use, or of persons residing within one mile and an half of the said bridge going to or returning from mill with grists, persons going to or returning from places of public worship, or children going to and returning from any school in the said village, or of any person travelling on foot: *Provided*, That no toll shall be demanded for the passage of the troops or munitions of war of the United States or of this state.

VII. *And be it further enacted*, That in case the said bridge shall not, in the course of one year after the passing of this act, be so completed as to admit with safety the passage of all such teams and carriages as have usually passed on the roads leading thereto, the said directors shall not collect any toll for passing said bridge; and the said directors shall not collect any

Rates of
toll.

Provided.

Toll when
to be de-
manded.

toll if at any time during the term aforesaid ~~the said~~ bridge shall become so far decayed as to render ~~the~~ passing thereof unsafe, and the same shall be certified to the said directors by any three justices of the peace in the said county of Washington, until the said bridge shall be sufficient; and if the said bridge shall be carried away by floods, or any other accident, then and in such case the said directors shall rebuild the said bridge within eight months next thereafter; and in case the said bridge shall not within eight months next after the same shall be so carried away be rebuilt, the said corporation shall be dissolved.

This act to
cease
when the
company
are reim-
bursed,

VIII. *And be it further enacted*, That as soon as the president and directors shall have received from the tolls arising from the said bridge the amount of the monies expended in building the said bridge, with an interest of twelve per cent thereon, the costs of keeping the said bridge in repair, and the wages of the toll-gatherer, the amount of which expenditures shall annually be ascertained by the oath of the president and directors of the said company, and filed with the treasurer of the county, then and in such case this act shall cease and the said bridge become the property of the state; and also that it shall be lawful for the legislature at any time after six years to repeal or to amend or alter this act in such manner as they may deem proper.

And the
bridge to
become
public pro-
perty.

IX. *And be it further enacted*, That at the expiration of the term aforesaid the bridge which shall be remaining at the place aforesaid shall be to all intents and purposes the property of the people of this state: *And further*, That this act be and it is hereby declared to be a public act.

CHAP. CLXXX.

An ACT concerning the Lands ceded by this State to the Commonwealth of Massachusetts.

Passed April 9, 1811

Map made
by W. Sa-
bin con-
firmed.

I. **B**E it enacted by the people of the state of New York, represented in Senate and Assembly, That the survey made by Walter Sabin, of the western land

ceded by this state to the commonwealth of Massachusetts, as delineated on a map thereof filed in the office of the secretary of this state, except the north tier of lots, containing eight thousand four hundred acres, be and he same is hereby confirmed.

II. *And be it further enacted*, That the present occupants of part of the said north tier of lots shall have the exclusive privilege of purchasing that portion thereof which they respectively possess, together with the land adjoining, in the whole not exceeding one lot of one hundred and sixty acres to each occupant, at such price as the surveyor-general shall direct, on a fair valuation of each lot, exclusive of the improvements hereon, to be paid in instalments as are provided by the act entitled "An act concerning the commissioners of the land-office and the sale of the unappropriated lands." Occupants to have certain privileges.

III. *And be it further enacted*, That the original proprietors, or their legal representatives, of persons claiming said land under a grant from the state of Massachusetts to Samuel Brown and others, shall have the privilege to purchase the residue of said land at the price ascertained as aforesaid. Privileges of the original proprietors.

IV. *And be it further enacted*, That in case neither the claimants as aforesaid, nor those in actual possession shall by the first day of November next purchase the same, or such parts as they or either of them are entitled to purchase by virtue of this act, on the terms and in the manner above mentioned, it shall be the duty of the surveyor-general to sell the same or such parts thereof as are not purchased as aforesaid, at public auction, giving notice thereof in like manner as is directed in the act aforesaid. Lands to be sold at vendue unless applied for before the 1st of Nov

CHAP. CLXXXI.

An ACT to satisfy certain Appropriations.

Passed April 9, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land-office shall be and hereby are authorized and required, within six months after the passing of this act, to sell in such manner and for

such price as they shall deem proper, so much of the lands belonging to the people of this state, and situated in the Eastern District, as will raise a sum sufficient to satisfy all such appropriations as remain unsatisfied and have heretofore been made to open and improve any road in the Eastern District, and which appropriations were to be satisfied out of the proceeds of the sale of lands.

CHAP. CLXXXII.

An ACT relative to the Farmers' Turnpike Road and Bridge Company, and for other purposes.

Passed April 9, 1813.

- I.** **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That
- Rates of toll altered. no person or persons shall be exempt from paying the tolls mentioned in the act incorporating said company, for passing the bridge built by them across the Wallkill, but those that live within one mile of either side of the said bridge, except those who go to public worship; and that the president and directors of the said company shall no longer be required to commute with any person relative to the toll for passing the first gate on their turnpike road, but instead of the tolls they were authorized to take at the said gate, there shall be only allowed to be taken by them for every waggon with two horses, mules or oxen, eight cents, and in the other tolls a reduction in that proportion.
- Company may build a new bridge. **II.** *And be it further enacted,* That the said company may, at any time within six years, build a new bridge across the Shawangunk kill, provided the bridge over the same now used by them, shall during that time be kept in good repair.
- Owego turnpike act revived. **III.** *And be it further enacted,* That the act entitled "An act to incorporate the Owego turnpike road company," passed March 30th, 1809, be and the same is hereby revived, and shall be in as full force as though the same had now been passed.

CHAP. CLXXXIII.

An ACT relative to the Pilots of the Port of New-York.
Passed April 10, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That ^{Fees of the pilots.} That shall be lawful for every branch pilot or deputy pilot of the port of New-York to ask and receive from any person who shall employ him to pilot any ship or other vessel, being a foreign bottom, and not owned by a citizen of the United States, the sum of five dollars on every such ship or vessel, in addition to the rates of pilotage allowed by law, any thing in any former act to the contrary notwithstanding.

II. And be it further enacted, That the master and wardens of the said port of New-York shall severally ^{Fees of the masters & wardens of N. York.} be allowed, for their services in the following cases the fees or sums following, that is to say, for each and every survey on merchandize on board of or imported on any ship or vessel not owned in whole or in part by a citizen or citizens of the United States, the sum of three dollars, and for each and every certificate given in consequence of damaged goods on board of or imported in such ship or vessel, the sum of two dollars and fifty cents, and for each and every survey on the hull or materials of any such ship or vessel, the sum of five dollars, and for each and every certificate given of such survey and recording the same, the sum of two dollars and fifty cents, any thing in any former or other act to the contrary notwithstanding.

III. And be it further enacted, That this act shall ^{Duration of this act.} continue in force for the term of one year and no longer.

CHAP. CLXXXIV.

An ACT to incorporate the Flushing Manufacturing Society,
Passed April 10, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That ^{J. Wyckoff and others incorporated.} John Wyckoff, David Titus, Edmund Pearsall, and all other persons who now are or shall hereafter be associated with them for the purpose of erecting a

Their
style, &c.

spinning and carding machine, and other *apparatu* principally for the purpose of manufacturing of *woolle* and cotten cloth, and they and their successon *be and* hereby are ordained and declared to be a body corporate and politic, in fact and in name, by the name of "The Flushing manufacturing Society," and by that name they and their successors for the time being, for the space of twenty-five years from the passing of this act, shall and may have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered *unto*, defending and being defended in all courts and places whatsoever, and in all manner of actions, *suits*, complaints, matters and causes, whatsoever; and that they and their successors, by the name of the *Flushing man*ufacturing Society, shall in law be capable of purchasing such tracts of land and streams of water in the said township of Flushing, in the county of Queens, as may be deemed necessary to perfect the object of said corporation, and of holding and conveying the same.

Concerns
how to be
managed.

II. *And be it further enacted*, That the stock, property and concerns of said corporation shall be managed by directors, who shall be annually appointed or elected on the second Tuesday in May in every year, at such time of the day and at such place in the said township of Flushing as the bye-laws of the said corporation shall direct, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and the persons having the greatest number of votes shall be the directors; and whenever any vacancy shall happen by death, resignation or otherwise, such vacancy shall be filled by the stockholders at a special meeting to be called by the remaining directors, and the number of directors shall not exceed five persons, and no person to be elected or appointed a director that is not a stockholder.

Stock.

III. *And be it further enacted*, That the capital stock of said corporation may be twenty-five thousand dollars, and that a share in said stock shall be five hundre

dollars; and it shall be lawful for the directors to call and demand from the stockholders respectively all such sums of money by them subscribed, or such parts thereof, at such times as they shall see fit, and in equal proportions, under pain of forfeiture of their respective rights or shares and all previous payments made thereon, under such regulations as the bye-laws shall prescribe.

IV. *And be it further enacted*, That the corporation shall not be deemed to be dissolved in consequence of any omission to elect directors as prescribed, but may pass bye-laws of the corporation altering the time thereof.

V. *And be it further enacted*, That the directors who are herein named shall, previous to their entering on any other business in relation thereto, convene the stockholders, who shall form such bye-laws and regulations as shall appear needful and proper to carry the purpose of said corporation fully into effect, provided such bye-laws be not inconsistent with the laws of the United States or of this state.

VI. *And be it further enacted*, That the stock of said corporation shall be deemed and considered personal estate; and that the said company shall not use any part of their funds in any banking transactions, or purchasing any stock of any banking institution whatever; and that for all debts that shall be due and owing by the said company, the persons composing said corporation shall be responsible in their individual and private capacities to the extent of their respective shares and no further, in any suit or action, and that this act shall be deemed and considered as a public act.

VII. *And be it further enacted*, That John Wyckoff, David Titus and Edmund Pearsall be and are hereby declared directors until others are chosen or elected in their stead, agreeable to the bye-laws of said corporation.

CHAP. CLXXXV.

An ACT authorizing the Comptroller to loan monies belonging to the School Fund, and for other purposes.

Passed April 12, 1812.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the comptroller be and he is hereby authorized to loan out of any money now being or hereafter to come in to the treasury, belonging to the school fund of this state, and not otherwise disposed of, a sum not exceeding five thousand dollars, to Joseph Klein, the sum of five thousand dollars to William Jackson and Daniel Jackson, the sum of five thousand dollars to the Newport manufacturing company in the county of Herkimer, the sum of two thousand dollars to John Converse, the sum of five thousand dollars to Othniel Horsford and Smith Cogswell, the sum of five thousand dollars to Josiah Chapman, the sum three thousand dollars to John Whiting, the sum of three thousand dollars to George Flower, the sum of four thousand dollars to Nassau manufacturing company in the county of Rensselaer, the sum of twenty-five hundred dollars to Abraham L. Viele and Stephen L. Viele, the sum of three thousand dollars to David Dickey and Charles Knapp, and the sum of three thousand dollars to the trustees of the woollen manufacturing society of Broadalbin: *Provided*, That no loan shall be made as aforesaid, until the same shall be secured to the people of this state by a sufficient bond, conditioned for the annual payment of the interest thereof, at the rate of seven per centum per annum, and the repayment of the principal in five years; nor until the said payments shall be further secured by a mortgage or mortgages on unincumbered real estate within the state, of double the value of the sum loaned, exclusive of any buildings thereon, to be approved of by the comptroller: *And further*, That the form of said bonds and mortgages shall be prescribed by the attorney general, and the titles in all cases of loans of money by this state examined and approved of by him.

Comptroller directed to loan money to certain persons.

Proviso.

II. *And be it further enacted,* That the comptroller borrow on the credit of this state from the bank of America, or any other bank in this state, a sum of money not exceeding seven thousand dollars, at an interest not exceeding six per cent per annum, and loan the same to the commissioners for improving the navigation in Hudson's river, between the villages of Troy, Lansingburgh and Waterford: *Provided,* The said commissioners shall secure the said sum of money to the people of this state by a sufficient bond, conditioned for the repayment of the principal and interest of seven per cent, out of the first monies which shall come into their hands from the avails of a lottery heretofore granted to raise the sum of thirty thousand dollars for improving the aforesaid navigation, by virtue of an act titled "An act making provision for improving the navigation of Hudson's river, between the villages of Troy, Lansingburgh and Waterford, and for other purposes," passed April 2, 1810.

Directed
to borrow
\$7000.

Proviso.

III. *And be it further enacted,* That when the commissioners aforesaid shall receive the said loan, they are hereby authorized to reimburse out of the same to the use of the said commissioners residing at Lansingburgh, such sum or sums of money as they shall have on a fide laid out and expended in improving the said navigation, over and above the full amount of the public money which has come into their hands for that purpose.

How to be
disposed
of.

IV. *And be it further enacted,* That James Hickok and he is hereby appointed one of the commissioners for the purposes mentioned in the aforesaid recited act, in the place and stead of Thomas Tranor, who is moved out of this state, and that Elijah Janes and is hereby appointed a commissioners for the purposes aforesaid, in addition to the number of commissioners appointed in and by the aforesaid recited act.

J. Hickok
& E. Janes
appointed
commis'srs

V. *And be it further enacted,* That the trustees of the village of Lansingburgh appointed by virtue of the act entitled "An act to vest certain powers in the freeholders and inhabitants of the villages of Troy and Lansingburgh."

Certain
powers
vested in
the trustees
of
Lansingburgh.

Lansingburgh," passed April 2, 1801, and their successors, shall and may take and hold all such lands and possess the like powers as were vested in certain trustees of said village appointed by virtue of an act entitled "An act to appoint trustees to take and hold certain lands therein mentioned, and for other purposes," passed 5th April, 1790, and to hold the said lands to them and their successors forever, in trust, to and for the common use and benefit of the freeholders and inhabitants of said village of Lansingburgh: And further, It shall not hereafter be necessary for the freeholders or the freeholders and inhabitants of said village to elect trustees in pursuance of the provision contained in the said last recited act, any thing therein to the contrary notwithstanding.

CHAP. CLXXXVI.

An ACT authorizing the President and Directors of the Bank of Columbia to establish an Office of Discount and Deposit in the Village of Athens.

Passed April 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the bank of Columbia, at any time within one year after the passing of this act, to establish an office of discount and deposit at the village of Athens, in the county of Greene, under such rules and regulations as are practised at the said bank, and to commit the management thereof to not less than one president and seven directors, to be appointed by the said president and directors of the bank of Columbia, from the citizens residing in the village of Athens and its vicinity.

CHAP. CLXXXVII.

An ACT directing the sale of certain Lands for the benefit of Academies.

Passed April 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land-office be and they are hereby required to sell, for the benefit of such academies, and convey to such academy or academies, as the Reg-

the University shall direct, giving the pre-emption
 ht to actual settlers, if any, on the land, all that tract
 land lying in the town of Westford, in the county of
 sego, bounded as follows : southerly, westerly and
 therly by Franklin's patent, and easterly by Spen-
 's and M'Kee's patents, lying on what is commonly
 ed the Crumhorn mountain.

CHAP. CLXXXVIII.

*ACT to incorporate the Scaghticoke Turnpike Road
 Company.* Passed April 12, 1813.

BE it enacted by the people of the state of New-
 York, represented in Senate and Assembly, That <sup>J. Masters
and others
incorpor-
ated.</sup> **ah Masters, Cornelius Van Veghten, Stephen L.
 le, Ezekiel Baker and Ira Campbell, and all such**
 ers as shall associate together for the purpose of
 king a good and sufficient road to run in the nearest
 most direct route, as far as circumstances will per-
 beginning at the northern turnpike road, near the
 nth mile stone on said road, from thence to Viele's
 lge, from thence to Nicholas Masters's old house,
 from thence to or near Thomas Whitesides, to in-
 ect the eastern road, their successors and assigns
 and they hereby are created and made a body cor-
 ate and politic by the name and style of "The
 ident, directors and company of the Schaghticoke
 pike road," and they are hereby declared to be a
 y corporate and politic, in fact and in name, and
 hat name they and their successors shall and may
 e continual succession, and shall be persons in law
 ble of suing and being sued, pleading and being
 leaded, answering and being answered unto, de-
 ling and being defended in all courts and places
 tsoever, in all manner of actions, suits, complaints,
 ters and causes whatsoever; and they and their suc-
 ors, by the same name and style, shall in law be
 ble of purchasing, holding and conveying any es-
 real and personal, for the use of said corporation :
 vided, That the amount of such real estate which
 corporation are hereby authorized to purchase and
 shall not exceed four thousand dollars : *And pro-*

Their
 style, &c.

Proviso.

ried further, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatsoever.

Subscriptions how to be received.

II. And be it further enacted, That Josiah Master Cornelius Van Veghten and Stephen L. Viele be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of July next, procure three books, and in each of them enter as follows: "We whose names are hereunto subscribed do, for ourselves and our legal representatives, promise to pay to the president, directors and company of the Schaghticoke turnpike road the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall immediately open the same, and keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing, pay unto either of the said commissioners two dollars for each share so by him subscribed; and the said commissioners shall, as soon as four hundred shares are subscribed, cause an advertisement to be inserted in one of the public newspapers in the county, giving at least ten days notice of the time and place when and where the said subscribers shall meet to choose thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the company for a year; and the said directors shall be chosen by ballot by the stockholders then present, and the day choosing said directors shall forever thereafter be the anniversary day for choosing said directors; and a seven of said directors shall be a quorum, and capable of transacting the business of the said corporation and every act of the majority of the directors so chosen shall be binding on said corporation; and the said directors elected by a plurality of the stockholders p

Directors how chosen.

ent, shall immediately proceed to elect by ballot one of their number for president, and the said president and directors may meet from time to time at such places as they may find expedient and direct, and they shall have power to make such bye-laws, rules and orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as they shall deem necessary for the well ordering the affairs of said corporation: *Provided*, That at the election of directors the stockholders not present may vote by proxy for said directors, and each stockholder shall be entitled to one vote for each share he shall hold under the number of ten shares, and one additional vote for every ten shares he shall hold above the number of ten shares.

Proviso.

III. *And be it further enacted*, That in case of the death or absence of the president, a quorum of the directors may appoint a president pro tempore, and shall and may proceed and transact the business of the said corporation in like manner as if the president was with them.

IV. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be four hundred shares subscribed, and shall have power to appoint such officers, clerks, agents, artists, workmen, and others under them, as shall be necessary for executing the business of said corporation.

400 shares may be subscribed.

V. *And be it further enacted*, That the said turnpike, including the ditches, shall be at least four rods wide, and shall extend from the northern turnpike, near the seventh mile stone in the town of Schaghticoke, to Viele's bridge, from thence on the best ground to Nicholas Masters' old house, and from thence on the best ground to or near Thomas Whitesides, to intersect the eastern road; that the direction of the said turnpike road shall be determined and marked out by three disinterested commissioners, to be appointed by the person administering the government of this state, and it shall be the duty of said commissioners to lay out the said road without favor or partiality, according to

Course and dimensions of the road.

the best of their judgment, so as to answer the object of the corporation and secure the public interest; and the said commissioners shall cause an accurate map of the survey of such road, designating particularly the track thereof, to be made and filed in the clerk's office of the county of Rensselaer, and expences of surveying the said road and making and recording such map, together with the allowance to the said commissioner, at the rate of two dollars per day for their services, shall be paid by the said corporation; that the said road shall be made by bedding the breadth of at least twenty-five feet thereof, with stone, gravel or other hard substance, one foot thick, and the same shall be covered at least six inches thick with gravel or other hard substance, so as to make the surface smooth and hard.

Land how
to betaken
to make
the road.

VI. *And be it further enacted*, That it shall be lawful for the president, directors and company, after the track of said road shall be designated as aforesaid, to enter upon and take possession of such quantity of improved or unimproved land, not exceeding four rods wide, as shall be necessary for making said road, the said president, directors and company paying to the owners of the lands such value for the same in damages as shall be agreed upon by the said parties, or in case of disagreement, such damages as shall be assessed by two justices of the peace, and by the oaths of twelve reputable freeholders, who shall be summoned by the constable of the town in which such land may be, by virtue of a warrant to be issued by the said justices for that purpose; and in case of infancy, coverture, or absence from the state of any of the owners, it shall be lawful for the said president, directors and company to take possession of such land, the value and damages whereof shall be ascertained and assessed in the manner above prescribed, and paid to the persons entitled thereto on demand; and on the payment of the value of such land so to be taken for said road, the right and title thereto shall vest in the said president, directors and company.

Road to be
inspected.

VII. *And be it further enacted*, That as soon as the president, directors and company shall have completed

the said road, it shall be lawful for the said president and directors to give notice to the governor of this state at the time being, who shall thereupon forthwith nominate and appoint three commissioners to view the same, and to report to him in writing whether such part of the said road is completed in workmanlike manner, according to the true intent and meaning of this act; and if the report shall be in the affirmative, then it shall be the duty of the governor to whom they report, and he is hereby required, by licence under his hand and the great seal of this state, to permit the said president, directors and company to erect and fix two half toll gates and turnpikes upon and across said road, at such places as the president and directors shall appoint, and to collect the duties and tolls herein after granted to the said corporation, from all persons travelling or using the same.

VIII. *And be it further enacted*, That as soon as the said road shall be completed, and permission so as aforesaid granted to erect a gate or gates upon and across the same, it shall be lawful for the said president and directors to appoint toll-gatherers to collect of and from all every person and persons using the said road at each of the said gates, the tolls herein after mentioned, and moreover, that is to say, for every score of sheep or hogs, eight cents; for every horse and rider, four cents; for every led or driven horse, three cents; for every sulkey, chair or chaise, six and one quarter cents; for every cart drawn by one horse, four cents; for every riot, coach, coachee or phaeton, twelve and an half cents; for every stage-waggon or other four wheeled carriage drawn by two horses, mules or oxen, six and one quarter cents, and for every additional horse, ox or mule, three cents; for every sleigh or sled, four cents, if drawn by two horses, and in like proportion drawn by a greater or less number of horses or oxen; that it shall be lawful for any of the toll-gatherers to stop and detain any person riding, leading or driving any horse or horses, cattle, sheep or hogs, sulkey, chair, chaise, phaeton, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through

Rates of
toll.

the gates or turnpike until they shall respectively pay the toll as above specified : *Provided*, That nothing in this act shall be construed so as to entitle this corporation to demand toll of or from any person passing to or from public worship, or to or from his common business on his farm, or in going to or from any mill to which he resorts for grinding of grain for his family's use, or persons going to or returning from any funeral, or from troops of this state or of the United States.

Mile
stones to
be set up.

IX. *And be it further enacted*, That the said corporation shall cause mile stones to be erected, one for each mile of the said road, and on each stone shall be fairly and legibly inscribed or marked the distance the said stone is from Lansingburgh ; and the corporation shall cause to be affixed at or over each gate or turnpike a printed list of the rates of toll which may be lawfully taken.

Penalty for
injuring
the mile
stones or
road.

X. *And be it further enacted*, That if any person or persons shall break down or deface or injure any of the mile stones so to be erected, or shall dig up or attempt to spoil any part of the said road, or shall cut, break down or destroy any part of the gates or turnpikes erected in pursuance of this act, or shall forcibly pass any or either of the gates or turnpikes without having paid the legal toll at each gate or turnpike, every such person or persons shall for every such offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of said corporation to their use, in an action of debt, with costs of suit, in any court having cognizance of the same ; and if any person or persons shall, with his or their team or teams, carriage or horse, turn out of the said road to pass any or either of the gates on ground adjoining thereto, and again enter on said road, having passed the said gate or gates to avoid the payment of the toll due by this act, such person or persons shall forfeit a fine not exceeding five dollars, to be recovered in like manner by the treasurer of the corporation, to their use, with costs of suit.

Penalty for
detaining
passengers.

XI. *And be it further enacted*, That if any toll-gatherer shall unreasonably detain or hinder any traveller

passenger at any of the gates, or shall demand or receive more toll than is by this act established, be all for every such offence forfeit and pay the sum of twenty-five dollars for the use of the person so delayed or hindered.

XII. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall be transferable in such manner as the said president and directors may direct. Stock deemed personal property.

XIII. *And be it further enacted,* That it shall be lawful for the said president and directors at any time to lessen the rate of toll or duties, or take away one of the gates or turnpikes, provided two thirds of the stockholders shall agree thereto. Toll may be lessened.

XIV. *And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received or to be received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among the stockholders of the said corporation, and on the first Tuesday in January and July in every year shall publish the half yearly dividend of the clear profits to be made among the stockholders, and at the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly. Accounts how to be kept and rendered.

XV. *And be it further enacted,* That the president and directors shall within six months after said road shall be completed, lodge in the comptroller's office of this state an account of the expences thereof, and the corporation shall annually exhibit to the comptroller a true account or dividend arising from said toll, with the annual disbursements on said road. Accounts of expences and dividends to be lodged with the comptroller.

XVI. *And be it further enacted,* That it shall be lawful for the president and directors to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain and forfeiture of all their shares and the Stock how to be called in.

previous payments thereon, to the said *president*, *rectors* and company.

Stock may be increased. XVII. *And be it further enacted,* That after the amount of the said number of four hundred shares mentioned in and by the fourth section of this act *shall* have been appropriated by the said *president and directors* for the purpose of making a good and sufficient road between the places aforesaid, and the sum so appropriated shall be found insufficient to effect the same, it shall be lawful for the said *president and directors*, in order to complete the said road and turnpike, to increase or raise the funds of the said corporation by adding a sum not exceeding ten dollars to each and every share in the whole stock, which *sum so to be* added shall be in an equal ratio upon each and every share, to be collected and paid in manner aforesaid, subject on default of payment to the pains and forfeitures aforesaid.

The corporation may be dissolved. XVIII. *And be it further enacted,* That the legislature may dissolve said corporation when the income arising from the said toll shall have fully paid and compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest of fourteen per centum per annum, and thereupon the right, interest and property shall be vested in the people of this state, and be and remain at their disposal: *Provided,* That if the said corporation shall *not* commence their operations on said road within two years after the passing of this act, and shall not within five years after complete the same according to the intent and meaning of this act, then and in either case, this act shall cease, be void and of none effect.

CHAP. CLXXXIX.

An ACT for the relief of the Representatives of John Darrow, deceased. Passed April 12, 1813.

WHEREAS the administrators of John Darrow, late of Chatham, in Columbia county, deceased, in conjunction with several of the heirs of said Darrow, have presented their petition praying for power

vey the real estate of the deceased for the benefit of his heirs: And whereas it is represented to this legislature that the said John Darrow before his decease contracted with John C. Hogeboom for the sale of the farm which the said Darrow lived, and died leaving a widow and fifteen children, many of whom are infants: therefore;

Be it enacted by the people of the state of New York, represented in Senate and Assembly, That it shall and may be lawful for the administrators of the goods and chattels, rights and credits which were of John Darrow, late of Chatham, in Columbia county, deceased, to convey to John C. Hogeboom the farm of which the said John Darrow died seized, situate in Chatham aforesaid, in pursuance of and in fulfilment of a contract made relative to the premises between the said John Darrow and John C. Hogeboom, under the order and direction of the chancellor of this state, if in opinion of the said chancellor the representatives of the said Darrow would be compelled to carry said contract into specific execution, and the conveyance so made shall be valid and effectual to convey the title of the premises as fully and amply as if the same had been by deed conveyed by the said John Darrow: And further, if in the judgment of the chancellor the said John C. Hogeboom could not enforce a specific execution of the contract aforesaid, then it shall be lawful for the aforesaid administrators to sell and convey as aforesaid the real estate of which the said John Darrow died seized for such price as they may think proper to accept, provided the chancellor shall approve of such sale.

And be it further enacted, That the money arising from the sale of the real estate of the said John Darrow shall be paid into the hands of the surrogate of the county of Columbia, to be by him divided among the heirs of the said intestate, and the said surrogate shall pay to the guardians of the said infant children the share or portion to them belonging, and shall take from such guardians sufficient bond, conditioned to apply the said money to the support and education of said infant children, and pay the surplus, if any, to them as they shall respectively arrive at full age: And further, if the wid-

ow of said John Darrow shall unite in the sale, and execute a conveyance of the said estate by which her right of dower shall pass, then it shall be lawful for the administrators or survivor and the said surrogate to pay out of the money arising from the sale of the premises such sum as they shall judge reasonable and just for such dower.

CHAP. CXC.

An ACT to extend the time for completing the Farmers' Turnpike Road from Troy to the City of Hudson.
Passed April 12, 1813.

Time for
completing the
road extended.

L **B**E it enacted by the people of the state of New York, represented in Senate and Assembly, That the time for completing the Farmers' turnpike road from Troy to Hudson, be extended to the first day of June, one thousand eight hundred and fifteen.

Company released from making the road from Bath to Troy.

II. *And be it further enacted,* That the president, directors and company of the said Farmers' turnpike road be and they are hereby released from building and keeping in repair all that part of the said turnpike road between the villages of Bath and Troy, and the said road instead of beginning at the south end of First street in the village of Troy, shall commence at the village of Bath, any thing in the law granting the said turnpike notwithstanding: *Provided nevertheless,* That the said president and directors shall not be permitted to erect more than one whole toll and three half toll gates on the said road, exclusive of the gate at the bridge across major Abraham's creek: *Provided,* That the said company shall not ask, exact or receive toll within the corporation of the city of Hudson, of or from any person travelling towards or from the city of Hudson who shall not travel the said turnpike further otherwise than he is necessarily obliged to do by the interference of the same with the public roads which were within the said corporation at the time of the making of the said turnpike, and this act is declared to be upon that express condition: *And provided further,* That nothing in this act contained shall be construed to controul or operate on the construction of any act incorporating the said company,

III. *And be it further enacted*, That if any person shall avail himself of the exemption provided by the previous section, having travelled or shall afterwards travel on the said turnpike against the provisos of the receding section, he shall forfeit ten dollars, to be recovered in any court in the name of the said company, and for their benefit; and if any gate keeper, or other person, by the consent or for the benefit of the said company, shall exact toll from the persons exempted by the preceding section, he shall forfeit to such person the sum of ten dollars, to be recovered by him in any court having cognizance of the same.

Penalty for
evading
the toll.

IV. *And be it further enacted*, That the said company shall place upon the south gate, or near it, in a conspicuous place, a board with these words written or printed legibly thereon: "All persons only crossing his road, and not having travelled or now travelling his turnpike road, may pass free of toll." *Provided*, That this act shall in no wise be construed so as to affect or prejudice any suit or suits heretofore commenced by or against the said corporation, or by or against any individual in relation to the said road.

A certain
notice to
be set up
at the
south gate

CHAP. CXCI.

An ACT to enable certain persons therein named to purchase and hold real estate within this state.

Passed April 12, 1813.

BE it enacted by the people of the state of New York, represented in Senate and Assembly, That it shall and may be lawful for John White, John White, junior, Thomas White, Thomas White, junior, Matthew White, Matthew White, junior, James Hunter White, Robert Shannon, Alexander Milne, Thomas Drummond, James Sinclair, John Sinclair, John Gally, Robert McElroy, Thomas Suffern, William Willson, Matthias Aram, Nicholas Slype, Robert Forrest, Joseph Palmer and Daniel Carmichael, severally to take and hold, by purchase or descent, lands, tenements and hereditaments within this state, to have and to hold the same to them and to their respective heirs and assigns forever, as fully to all intents and purposes

as any natural born citizen may or can do, *any law*, usage or custom to the contrary notwithstanding.

II. *And be it further enacted*, That no lands, tenements and hereditaments heretofore purchased by any person herein before named, shall escheat to the people of this state by reason or on account of such persons then being aliens, but all such lands, ~~tenement~~ and hereditaments shall be understood as *having rest*ed in such purchaser or purchasers, any law to the contrary thereof notwithstanding: *Provided always*, That nothing herein contained shall be construed to confer on any of the persons herein named, any other rights appertaining to natural born citizens, except those of taking, holding and disposing of real property within this state.

CHAP. CXCI.

An ACT to incorporate the Urtica Whitlowi Society.
Passed April 12, 1813.

Preamble.

WHEREAS Charles Whitlow and his associates have by their petition represented to the legislature, that he has discovered a plant, a native of this state, called the *Urtica Whitlowi*, which promises essential benefits to the community in promoting domestic manufactures, as a substitute for hemp and flax, and have also represented that various plants may probably be discovered, highly valuable as dye-stuffs, for the exclusive use of the former of which the said Charles Whitlow hath obtained a patent from the government of the United States, and are desirous of making extensive experiments in the culture of the said *Urtica Whitlowi*, and prosecuting their researches for such dye-stuffs, and have prayed an act of incorporation the better to enable them to obtain the objects of their association: Therefore,

C. Whitlow and others incorporated.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Charles Whitlow, and all such persons as are now or hereafter shall be associated with him for the purposes aforesaid, and their successors, for twenty years from the passing of this act, be and they hereby are ordained, consti-

ited and declared to be a body corporate and politic, in fact and in name, by the name of "Urtica Whit-wi Society," and by that name they and their successors shall and may have succession, and shall be in law capable of suing and being sued, pleading and being pleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be capable of purchasing, holding and conveying any lands, tenements, hereditaments, goods, wares and merchandizes whatsoever, necessary for the objects of this incorporation.

Their
style, &c.

I. And be it further enacted, That the stock, property and concerns of the said corporation shall be managed by five directors, who shall annually be elected from the stockholders on the first Monday in December, at such time of the day and place within this state, as the directors shall appoint, of which time and place public notice shall be given at least thirty days before the time of holding such election, in one of the daily papers printed in the city of New-York, and in one of the newspapers printed in the city of Albany; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and the five persons having the greatest number of votes shall be directors, and they shall have power to elect one of their number as president, and also to fill all vacancies in the year occasioned by death, resignation, or removal out of the state; and in case no election shall be held on the day herein before mentioned, the president and directors at the time being shall direct, on the like notice, the time and place of choosing such directors, giving at least twenty days notice thereof in manner aforesaid.

Concerns
how to be
managed.

I. And be it further enacted, That the president and directors aforesaid shall have power to make such rules and regulations, consistent with the constitution and laws of this state, as to them shall appear necessary and proper, relative to the management and disposition of the stock, property, estate and effects of

Bye-laws
how to be
made.

the said corporation, and relative to the duties of the officers, artificers and servants by them employed, and all such matters and things as appertain to the business and concerns of the said incorporation, and to appoint such and so many officers, clerks and servants for carrying on and conducting the affairs and business of the said company, and with such allowance for salaries and wages as to them shall seem necessary and proper.

Stock to be deemed personal property.

IV. *And be it further enacted*, That the stock of the said company shall be deemed personal property, and shall never exceed fifty thousand dollars.

CHAP. CXCIIL.

An ACT to incorporate the Stockholders of the Alleghany Coal Company. Passed April 12, 1813.

Preamble. **W**HEREAS Jacob Sherred and others have associated themselves for the purpose of exploring, digging and vending coal, and in order to enable them more extensively to carry their intentions into effect, have presented a petition to be incorporated: Therefore.

J. G. Bogert and others incorporated. *I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Jacob Sherred, John G. Bogert, Gilbert Aspinwall, Gabriel Furman, John Slidell, George Arcularius, Anthony Steinback, and all other persons who have associated, or who may associate with them for the purposes aforesaid, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name and style of "The Alleghany Coal Company," and by that name they and their successors shall and may be known and have succession, and shall have power and may be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts, judicatures and places whatsoever and wheresoever, in all manner of actions, suits, complaints and causes whatsoever, and also of contracting and being contracted with, relative to the purposes and business for which the said corporation is hereby created, as hereafter declared; and that the said corporation shall and may have a common seal, and may alter

change the same at their pleasure; and also that the said corporation shall be in law capable of purchasing, holding and conveying any real or personal estate and property for the public use of the said corporation: *Provided*, That the whole of the said stock and real estate of said corporation shall never exceed one hundred thousand dollars, current money of the United States.

II. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by seven directors, who shall be stockholders in said company, of at least five shares each, and who shall be annually elected by the stockholders by ballot, on the second Monday in January in every year, at such time of the day and at such place in the city of New-York as the board of directors for the time being shall appoint for that purpose, of which election, and of the time and place, the said directors shall cause public notice to be given at least ten days prior to the day of election, in two public newspapers printed and published in the city of New-York, and those persons who shall have the greatest number of votes at such election shall be directors, and the said directors shall by a majority of votes, choose one among themselves to be their president, which president and directors shall hold their offices for one year, and until others shall be elected; and if any vacancy shall happen among the directors by death, resignation or removal, or ceasing to be a stockholder of the said company, such vacancy shall be filled for the remainder of the year in which the same shall happen by the remainder of the directors for the time being; and the first directors shall be Jacob Sherred, John G. Bogert, Gilbert Aspinwall, George Arcularius, Gabriel Furman, Frederick Gussenhainer, and Anthony Steinback, who shall hold their respective offices until the second Monday in January, one thousand eight hundred and fourteen, and if any vacancy should happen among the said directors as aforesaid, then such vacancy shall be supplied as is herein before directed.

Proviso.

Concerns how to be managed.

First directors.

Neglect to
make elec-
tion how
remedied.

III. *And be it further enacted*, That if it should at any time happen from any cause whatsoever, that the election should not take place in any year on the day herein for that purpose mentioned, the said corporation shall not for that reason be dissolved, but such election may thereafter be held on such convenient day as may for that purpose be fixed on by the said directors, they causing such notice thereof to be given as is herein before required for an election on the days herein before designed for that purpose.

Stock.

IV. *And be it further enacted*, That the stock of said corporation shall not exceed one thousand shares and that each stockholder personally, or by his agent shall be entitled to one vote for each share he may hold in his name.

Power of
the direc-
tors.

V. *And be it further enacted*, That the directors may appoint their own times and places of meeting, and shall have power to appoint a general meeting of all the stockholders, whenever in their opinion such meeting becomes necessary for the interest of the company, on giving ten days previous notice thereof as aforesaid, and shall also convene a meeting of the stockholders on the application of any five stockholders owning together one hundred shares; and the said directors shall have power to make and prescribe such bye-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property and effects of the said corporation, and touching the appointment, duties and conduct of their treasurer, secretary, clerks, agents and servants employed by them, and touching all such matters as appertain to said corporation, with power to appoint such and so many officers, clerks and servants for carrying on the said business of exploring digging and vending coal, with such allowances and salaries as to them shall seem meet: *Provided*, That such bye-laws, rules and regulations be not repugnant to the constitution and laws of this state or of the United States.

Restric-
tions.

VI. *And be it further enacted*, That the said corporation shall be and are hereby restricted and limited

ely to carrying on the business aforesaid, and that
 ey shall not carry on any other kind of business
 hatsoever.

VII. *And be it further enacted*, That the duration of
 e corporation created by this act, shall be twenty Duration
of the cor-
poration.
 ears, and that this act shall be considered a public act.

CHAP. CXCIV.

*n ACT for the relief of Jacob Holmes, administrator
 of the estate of Stephen Thorn, deceased.*

Passed April 12, 1813.

WHEREAS Stephen Thorn, one of the mana-
 gers of Union college lottery, hath lately di-
 intestate, and was at the time of his death in arrear Preamble.
 such manager in a large sum of money : And where-
 Jacob Holmes hath sued out letters of administra-
 on of the goods, chattels and credits which were of
 e said Stephen Thorn : And whereas it is represent-
 l by the said administrator that a sum of money hath
 en deposited in the name of the said Stephen Thorn
 the Farmers' bank, which it is believed had been re-
 ived on account of the said lottery, and that it is pro-
 ble that other sums of money received on the same
 count may be deposited in the name of the said Ste-
 en Thorn in other banks within this state : And fur-
 er, that fifteen hundred tickets of the first part of lot-
 ry number four of the said Union college lottery re-
 ained in the hands of the said Stephen Thorn at the
 ne of his death, and that the estate of the said Ste-
 en Thorn is insufficient to pay his debts : Therefore,
I. Be it enacted by the people of the state of New-
ork, represented in Senate and Assembly, That the
 mptroller, by and with the advice and consent of the Comptrol-
ler direct-
ed to settle
with the
administra-
tors of S.
Thorn.
 orney-general, be and he is hereby authorized to
 ttle with the said Jacob Holmes, as administrator as
 oresaid, for the monies in arrear from the said Stephen
 horn as a manager as aforesaid, and to receive from
 e said administrator all the monies deposited in the
 me of the said Stephen Thorn in any of the banks
 ithin this state, which shall appear to have been re-
 ived by him as such manager, together with the pro-

missory notes for tickets sold by the said Stephen Thorn on account of the said lottery, and also all the unsold tickets belonging to the said lottery which have come to the hands of the said administrator, and upon receipt of the said monies, promissory notes and unsold tickets, to give a receipt for the same to the said administrator, and forthwith to cause the said promissory notes to be collected and to apply as well the monies arising therefrom as the other monies which may be received from the said administrator, or on account of prizes drawn by any of the unsold tickets, towards the payment of the sum in arrear by the said Stephen Thorn on account of the said lottery.

Recoveries had against said administrator by private creditors how to be paid.

II. *And be it further enacted*, That in case any bona fide recovery shall be had against the said administrator by any of the private creditors of the said Stephen Thorn by reason of the payment which the said administrator may make to the comptroller in pursuance of this act, the comptroller is hereby authorized to pay the amount of such recovery out of any monies in the treasury not otherwise appropriated: *Provided always*, That the said administrator shall give timely notice of any action which may be commenced against him by such private creditors to the attorney-general, and submit the defence thereof to him, and shall furnish the attorney-general with all the testimony within the power of the said administrator to make such defence.

Estate and sureties of S. Thorn how to be discharged.

III. *And be it further enacted*, That it shall and may be lawful for the comptroller, if he shall be satisfied after a full and fair investigation of the account of the said Stephen Thorn with this state, an enquiry as to the solvency of his estate and the situation and circumstances of his sureties who entered into the bond to the people of this state for the due and faithful discharge of his trust as such manager as aforesaid, that it will be for the interest of this state to discharge the estate of the said Stephen Thorn and his sureties aforesaid from any further accountability for any loss the state may sustain by reason of the defalcation of the said Stephen Thorn, and upon receiving such monies

s and promissory notes as aforesaid, by and with the advice of the attorney-general, to discharge such administrator and the said sureties from such accountability.

IV. *And be it further enacted*, That it shall be the duty of the comptroller to report to the legislature on the first day of their next session all his proceedings touching the premises aforesaid. Report to be made to the legislature.

CHAP. CXCIV.

An ACT for publishing the Laws of this State.

Passed April 12, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That William P. Van Ness and John Woodworth, Esquires, and they are hereby authorized and appointed to prepare for the press, and under such heads or divisions they shall think proper, all the public laws of this state which are general and of a permanent nature, and affecting the community at large, including those of the present session, with such marginal notes and references as shall appear best calculated for public information; and the said William P. Van Ness and John Woodworth shall prepare for publication with the said laws, the constitution of the United States of America and the constitution of this state: And further, they shall make an index of the matter contained in the said work, and shall correct all errors in the orthography of the laws, and shall in every other respect complete the said work in such manner as to them shall seem to be most useful and proper, and for this purpose they shall have free access to and be permitted to examine any of the public records and papers of this state without fee or reward.

W. P. Van Ness & J. Woodworth directed to prepare public laws for the press.

Also the constitution of the U. States and of this state.

II. *And be it further enacted*, That it shall be lawful for the secretary of this state to agree with any printer to print the said work upon such terms as he may think proper, having a reasonable regard to economy therein, which laws so printed and published shall be evidence in all courts of justice whatsoever; and the said printer shall deliver at least one thousand copies of the said work, completely bound in calf-skin, to the said

Secretary directed to agree with a printer.

secretary, to be by him retained subject to the order of the legislature.

III. And be it further enacted, That the treasurer of this state, on the warrant of the comptroller, shall pay to the said William P. Van Ness and John Woodworth such sums as it may appear to the comptroller are necessary from time to time for defraying the expense of preparing the said work for the press, and for paying the compensation herein after allowed to the said William P. Van Ness and John Woodworth.

IV. And be it further enacted, That the said William P. Van Ness and John Woodworth shall severally be and they are hereby allowed for their services aforesaid, the sum of one thousand dollars.

V. And be it further enacted, That the present members of the legislature shall be entitled to receive one set of the said laws so deposited in the secretary's office and the said secretary shall deliver the same to them, or their order.

VI. And be it further enacted, That it shall be the duty of the state printer to cause the laws enacted at each session of the legislature to be bound in boards, and that the expence thereof and of stitching the journals of the two houses, shall be paid to him by the treasurer, on the warrant of the comptroller, who shall audit the account of the same.

CHAP. CXCVI.

An ACT to incorporate the Eagle Volunteer Fire Company in the Village of Lansingburgh.

Passed April 12, 1813.

Preamble. WHEREAS James Denison, John Topping, Norman Squires and Edward A. Cook, and others, by their petition presented to the legislature have represented that they have associated for the purpose of procuring a fire-engine by their voluntary contributions, and forming a fire company to protect the property of the inhabitants of the village of Lansingburgh from the ravages of fire, and the better to effect the object of their association, have prayed to be incorporated: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the J. Denison and others incorporated.
 and James Denison, John Topping, Norman Squires, Edward A. Cook, and their associates, be and are hereby constituted a body politic and corporate, by the name and description of "the Eagle volunteer fire company," Their style, &c.
 and by that name shall have perpetual succession, sue and be sued, defend and be defended in all actions, matters and things whatsoever, have a common seal and change the same at pleasure, purchase, take, hold and convey any estate, real or personal: *Provided* such estate at the time of acquiring the same shall not exceed Proviso.
 value one thousand dollars, and shall be necessary to effect the object of said incorporation; and shall receive power and authority from time to time to pass, make and ordain all such bye-laws and ordinances for regulating the concerns of the said company, the conduct and duty of their members, officers, agents and servants respectively, the manner of making transfers of the stock of said company, convening and holding meetings of said company, and all other matters relative to the said company, and the management of the property thereof, as to them seem proper, and shall not be inconsistent with the constitution and laws of this state of the United States; that the stock of said company shall be deemed personal property, and shall consist of twenty shares of fifty dollars each, and one share and no more of the same shall be owned and held by each of the members of said company, and be paid in the hands of the treasurer of said company in such proportions and at such times as the majority of the members of said company at any meeting of said company shall determine and require, upon pain of forfeiture of such share and all previous payments thereon; that said share shall be transferrable, but no member of said company shall transfer the share by him held in the stock of said company, except to some person who shall be approved of by a majority of the members of said company, at a public meeting of said company, and the person to whom the same is so transferred shall by virtue of such transfer become Stock.

and be a member of said company in the room a stead of the person so transferring the same, which transfer shall be duly recorded in a book for that purpose to be kept by the secretary of said company: *Pro-*

Provided

the persons named in this section as members of the Eagle volunteer fire company be approved of by the trustees of the village of Lansingburgh, and that the said trustees, or a major part of them, be and they are hereby authorized to appoint all future members thereof.

Company
to consist
of 20 mem-
bers.

II. *And be it further enacted*, That the said volunteer fire company shall consist of twenty members, and no more, who shall reside in the village of Lansingburgh.

Annual
meeting to
choose a
captain.

III. *And be it further enacted*, That the several members of said company shall annually, on the first Tuesday of May in each year, at such place in the village of Lansingburgh as the majority of them shall direct, by plurality of votes, elect one of their members to be the captain of the said company, one other of their members to be treasurer, and one other of their members to be secretary of said company, who shall severally continue in office for one year; and the captain so chosen shall have power to call meetings of the said company whenever he shall think proper, for any purposes connected with the objects of said coporation.

How to be
governed
in time of
fire.

IV. *And be it further enacted*, That the said volunteer fire company shall in time of fire be subject to and regulated by the bye-laws of the trustees of the village of Lansingburgh made to regulate the duty and conduct of the fire company of said village.

Condi-
tions.

V. *And be it further enacted*, That the grant, provisions, and every thing in this act contained are upon the express condition, that the said Eagle volunteer fire company shall and do, at their own expence, on or before the first day of September next, procure and keep in the village of Lansingburgh, a good and sufficient fire engine, with its necessary tackle and apparatus, to aid in the extinguishment or prevention of such fires as may happen in said village; and in case the same company shall not procure such fire engine be

re said day, or shall not for the space of six months any time have and possess at some suitable place in said village a good and sufficient fire engine with its necessary tackle and apparatus, in good and sufficient pair, prepared to aid in the extinguishment of such fires as may happen in said village, the said incorporation shall be ipso facto dissolved, and the powers, privileges and exemptions hereby granted cease and be null and void, any thing in this act to the contrary notwithstanding.

VI. *And be it further enacted*, That a certificate under the common seal of said company, signed by the captain thereof, shall be deemed and taken in all places as competent evidence that the person to whom it is given is a member of said company, and entitled to all the privileges and exemptions in and by this act granted to the members of the same company.

Certificate
of the cap-
tain to be
evidence.

CHAP. CXC VII.

an ACT relative to the Eastern Branch of the Schoharie Turnpike Road. Passed April 12, 1813.

WHEREAS the president and directors of the said turnpike road have by their petition represented to the legislature, that it is highly necessary well for the good of the public as for the interest of the company, to allow some alterations to be made in the route of their said road, between the east end thereof and the village of Freehold, so as to avoid some of the worst hills; and that it is also necessary to remove others, so as to render them of more gradual and easy ascent; that the amount of the stock has all been paid in, and that a tax on the stockholders is absolutely necessary to effect the same: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Teunis Whitbeck, Nicholas I. Van Loon and Joseph Room be and they are hereby appointed commissioners, whose duty it shall be, or any two of them, on notice and request of the said president and directors for the time being, to survey, lay out and direct such alterations in the route of the said road within the limits

Alterations
how to
be made in
the route.

aforesaid (and of the width of four rods) as they or a majority of them shall judge to be for the good of the public and for the interest of the said company.

Lands how to be taken. II. *And be it further enacted,* That when the said several alterations are marked out and designated, it shall be lawful for the president and directors aforesaid to enter and take possession of the same, paying the owner or owners such compensation as shall be agreed on between the parties by an exchange of those parts of the present route as shall be rendered ~~useful~~ to the said company, or otherwise; and in case of disagreement, or if the owner or owners shall be feme covert, under age, or out of the county, the damages, if any, shall be appraised by three judicious freeholders, not interested in said road or the ~~lands to be appraised~~, to be appointed by the court of common pleas for the county of Greene, and paid for when the same shall be legally demanded.

And when vested in the company. III. *And be it further enacted,* That when the said president and directors shall have completed the said alterations in the form and manner pointed out in their original act of incorporation, the same is hereby declared to be vested in the said company as part of their said turnpike road.

Stock to be increased. IV. *And be it further enacted,* That in order to enable the president and directors aforesaid to accomplish the aforementioned objects, that a sum not exceeding one dollar and fifty cents may be assessed by the said president and directors on each share of the whole capital stock the said company is entitled to hold, payable at such times and places as the said president and directors shall appoint by a notice to be inserted in one of the newspapers printed in New-York, Albany and Catskill, for ten weeks successively; and that if any stockholder, or any of those who might have become stockholders by the privilege of investment contained in the third section of "An act relative to the Schoharie turnpike road," passed March 12, 1807, shall neglect to pay their said assessment or any part thereof, for six months after the time of payment mentioned in the said notice, it shall be lawful for the

aid president and directors to sell the stock of such delinquent stockholder at public auction, to the highest bidder, first giving six weeks notice of such time and place of sale in one of the public newspapers printed in the city of New-York, and the newspaper printed in the county of Greene, and from the proceeds of such sale to pay the tax on said stock sold as aforesaid, and the overplus, if any, deliver over to the original holders of said stock.

V. *And be it further enacted*, That the said commissioners shall receive the sum of two dollars, and the appraisers the sum of two dollars, for each and every day that they shall be necessarily employed in their respective duties required by this act, payable by the treasurer of the said company.

Compensation of commissioners and appraisers.

CHAP. CXCVIII.

An ACT relative to the Managers of Lotteries.

Passed April 13, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That

the managers appointed to conduct any lotteries now authorized, or hereafter to be authorized by law, shall have power to adopt such schemes, as to them shall appear proper, to sell the tickets in the manner herein after mentioned, to superintend the drawing of the same, and the payment of the prizes thereof: And further, that vacancies by death or otherwise shall from time to time be supplied by the person administering the government of this state, who is hereby authorized and empowered to appoint suitable persons to supply such vacancies as may from time to time occur.

Power of the managers.

Vacancies how to be filled.

II. *And be it further enacted*, That each of the said managers shall, before he takes upon himself the management of the said lotteries, enter into a bond to the people of this state, with such sureties as the comptroller of this state for the time being shall approve, in the sum of thirty thousand dollars, conditioned for the faithful and honest discharge of the duties required of him by this act, and for rendering a just and true account of all their proceedings at the next session of the legislature

They shall give security.

after the drawing of each of the said lotteries: *And* further, the said managers shall respectively, before they enter on the duties of their appointment, take and subscribe the following oath or affirmation before some magistrate competent to administer oaths, to wit:

Their oath "I do solemnly swear (or affirm as the case may be) that I will well and faithfully execute the trust reposed in me as one of the managers of the lottery (or lotteries) established by law, without favor or partiality, and that I will not directly or indirectly authorize or permit the sale of any tickets in any such lottery in which sale or sales I, or any person at my instance, or on my behalf, shall be directly or indirectly benefited or interested, or entitled to any profit or advantage whatever thereon:" which oath shall be filed in the office of the secretary of this state; and if any manager of any such lottery as aforesaid shall violate his said oath, or ask, demand or receive, either directly or indirectly, contrary to the true intent and meaning of the said oath, any advance on the stated price of lottery tickets which such manager may sell or dispose of, under any pretence whatsoever, shall for each offence forfeit the sum of one thousand dollars, to be recovered in the name and to the use of any person who will sue for the same, with the costs of suit, in any court of record within this state, and shall besides be liable to suffer the pains and penalties of wilful and corrupt perjury, and shall moreover be answerable and liable to the people of this state for all neglects, defaults, misfeasances and other acts of such managers, or any or either of them, in any action or actions at common law as the case may require: *Provided*, That the provisions of this section shall not be so construed as to apply to the managers of lotteries already appointed, and who have before the passing of this act entered into bonds according to law.

They are prohibited from purchasing tickets.

III. *And be it further enacted*, That it shall not be lawful for any such manager as aforesaid, directly or indirectly, to contract for or be concerned with any company in contracting for any part or portion of the tickets of the said lottery of which he or they are managers.

V. *And be it further enacted*, That each of the said managers shall, as often as he shall receive five hundred dollars from the sale of tickets; pay the same to the treasurer of this state, or to the bank of New-York, for the use of this state, and the receipt for the payment of money to the bank shall be immediately transmitted to the comptroller.

Monies how to be deposited.

7. *And be it further enacted*, That the said managers shall, for the space of sixty days after opening the lottery for sale, sell the tickets therein at the original price, but without giving any credit; and the managers shall, at the expiration of the said sixty days, within ten days thereafter, expose to sale at public

For 60 days after opening the lottery tickets to be sold at the original price.

sale in the city of New-York, the tickets remaining in their hands unsold, giving notice of such sale at least once a week in at least three of the public newspapers published in the city of New-York, and in at least two published in the city of Albany; and the said tickets be so sold at auction shall be sold in parcels not exceeding fifty, and on credit, payable twenty days after the drawing of the lottery, with interest at the rate of three per cent. per annum, and the said tickets shall not be sold for a less sum than the original price of such tickets; and the securities to be taken for the payment of the said tickets so sold on credit shall be taken in the name of the managers present at the sale, and approved by the comptroller of this state, and be approved

After that to be sold at auction, and on credit.

by the said comptroller and a majority of the said managers; and it shall be the duty of all the managers and of the comptroller to attend at every such sale, and the said securities shall be placed for safe keeping and for collection, either in the bank of New-York, or in the New-York state bank, and when collected, the amounts shall be placed to the credit of the treasurer of this state, and notice be given to the comptroller of the payment.

Security to be taken for the payment.

VI. *And be it further enacted*, That within thirty days after the completion of the drawing of any lottery, the tickets of which shall have been sold in pursuance of the directions of this act, the treasurer shall, on the warrant of the comptroller, pay to the managers

Treasurer to pay for prizes.

gers respectively such sum as shall appear to be 1 amount of the prizes drawn to the tickets signed 6 them respectively, and shall also pay on a life warrant, to the persons entitled thereto, the avails of such lottery, and the managers shall furnish the comptroller within twenty days after the drawing of any lottery with a statement, shewing the amount of prizes in such lottery payable by each manager.

Statement of prizes to be exhibited to the comptroller.

VII. *And be it further enacted,* That the managers shall, within ten days after the expiration of sixty days after the drawing of each lottery, exhibit to the comptroller a statement of the prizes signed by them respectively, remaining unpaid, and pay the amount of such prizes into the treasury of this state, and the said prizes shall thereafter be paid by the treasurer, on the warrant of the comptroller.

Comptroller directed to report managers for neglect of duty.

VIII. *And be it further enacted,* That whenever it shall appear satisfactorily to the comptroller, that any manager has not paid the monies arising from the sale of tickets agreeably to law, it shall be lawful, and it is hereby made the duty of the comptroller, to report the same to the governor of this state, who shall thereupon appoint some other person in the room of such delinquent, to perform the duties of a manager as aforesaid; and the comptroller shall forthwith, after discovery of such delinquencies, cause a suit or suits to be instituted against such delinquent manager, for the recovery of the sum received by him, as well as to account generally for his management.

Managers to be allowed 15 per cent on the sums raised.

IX, *And be it further enacted;* That on the final settlement of the accounts of the several lotteries hereafter to be drawn in this state, the comptroller shall allow fifteen per cent. on the sum raised by each lottery to the said managers, in lieu of all compensation for services and expences in conducting and drawing the same,

Copy of scheme to be transmitted to the comptroller.

X. *And be it further enacted,* That the managers whenever they agree on the scheme of any lottery and on the number of tickets which they are respectively to sign, shall transmit to the comptroller a copy

their scheme, and an account of the number of acts which they are to sign respectively.

CHAP. CXCIX.

ACT to authorize the sale of Lands appropriated for the promotion of Literature.

Passed April 13, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the commissioners of the land-office are hereby authorized and required to cause all the land heretofore appropriated for the promotion of literature in this state, situate in the military tract, or in either of the counties of Chenango or Broome, and now remaining unsold, not disposed of, to be surveyed and sold in the manner directed in and by the act entitled "An act for the sale of the unappropriated lands, and for other purposes," and to vest the proceeds in such manner as they may deem best calculated to secure the principal sum, for the regular payment of the interest thereon annually; and the Regents of the University shall make a distribution of the annual income amongst the several incorporated academies of this state as in their judgment shall be just and equitable, taking into calculation all former or present endowments made by the legislature of this state, except lot number twenty-four, in the town of Ulysses, in the county of Seneca, lot number thirty-six, in the town of Aurelius, in the county of Cayuga, and lot number eighty-five, in the town of Homer, in the county of Cortland, which lots are hereby appropriated to the support of academies in each of the said respective counties in which the said lots respectively lie, to be regulated in such manner as the legislature shall hereafter direct.

I And be it further enacted, That the commissioners of the land-office be and they are hereby authorized and required to grant by letters patent, to the trustees of the Pompey academy, and their successors, in fee simple, lot number fifteen, in the township of Camillus, in the county of Onondaga, any law to the contrary notwithstanding.

Lands appropriated for the promotion of literature in the military tract directed to be sold.

Proceeds how to be vested.

Lot No. 15 in Camillus to be granted to Pompey academy.

Duty of
the trus-
tees rela-
tive to said
lot.

III. *And be it further enacted, That it shall be* duty of the trustees of the aforesaid academy, whenever they shall sell the said lot, or any part thereof, to loan the money arising from such sale, on landed security to double the value of the sum so loaned, and on the payment of any such loan, again to reloan the same forever, and appropriate the interest arising from such loans forever to the support and maintenance of instruction in said academy.

CHAP. CC.

An ACT to authorize the sale of the real Estate of George Klinck, deceased.

Passed April 13, 1813.

WHEREAS Archibald M'Intyre and Charles R. Webster, executors of the last will and testament of George Klinck, deceased, have presented their petition to the legislature, representing in substance, that the said George Klinck, by his last will and testament by him duly made and published, and executed in such manner as to pass real estate, thereby devised all his real and personal estate to the petitioners, who were appointed executors of the said will in trust for the maintenance and support of his wife and children out of the rents and profits of his said estate; and further representing that the rents and profits of the testator's said estate are wholly inadequate to enable them the petitioners to carry into effect the intention of the said testator, and to fulfil the trust specified in his said will; and further representing that the widow of the testator is infirm and entirely helpless, and that several of his children are infants, and praying that they the petitioners may be authorized by law, with the consent and under the direction of the chancellor of this state, to sell and dispose of the whole or such part of the testator's said real estate as shall be necessary for the purpose of enabling them to fulfil the trust created by the said will, and to render the income of the said estate more productive. And whereas the prayer of the said petitioners appears to the legislature to be reasonable: Therefore,

Be it enacted by the people of the state of New-York, presented in Senate and Assembly, That it shall and may be lawful for the said Archibald M'Intyre and Charles R. Webster, the said executors of the said George Klinck, deceased, or the survivor of them, with the consent and under the direction of the chancellor of this state, to sell and dispose of the whole or such parts of the real estate whereof the said George Klinck died seized, as the chancellor may at any time or times authorize or direct, and that the monies arising from the sales thereof be placed out at interest or invested in public stocks, or otherwise secured, under the direction of the court of chancery, and the interest and income thereof, with so much and such parts of the principal as may be necessary for the purpose, shall and may be, from time to time, applied in and about the maintenance and support of the widow and children of the said George Klinck until a division or distribution of the said trust premises shall be made and take place according to the said trust: *Provided,* That in order to bar the dower of the widow of him the said George Klinck, deceased, in the real estate so to be sold and disposed of, her consent in writing thereto shall be first obtained: *And provided further,* That the said Archibald M'Intyre and Charles R. Webster, before they make any such sale, shall execute to and record with the register of the said court of chancery, a bond, with such surety and in such penalty as the chancellor may direct, with conditions thereunder written for the faithful performance of their duties under this act.

CHAP. CCI.

An ACT for the relief of James Bradley and others.

Passed April 13, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to James Bradley, late a soldier in the line of this state, in the army of the United States, in the same

200 acres
to be grant
ed to J.
Bradley.

manner as has been granted to soldiers serving in the line of this state, for two hundred acres of land in the tract set apart for the use of the line of this state, to have and to hold the same to the said James Bradley, his heirs and assigns forever.

200 acres
to the heirs
of R. Wad-
dle.

II. *And be it further enacted*, That it shall be lawful for, and the commissioners aforesaid are required to grant letters patent to William Waddle, Mary Hile-guest, Margaret Boss, Isaac Waddle, Jane Kidney and Elsie Landers, children and heirs at law of Robert Wad-dle, deceased, late a soldier in the army of the United State, in the line of this state, for two hundred acres of land in the tract set apart for the use of the line of this state, as a compensation for the services of the said Robert Waddle during the revolutionary war, to hold the same as tenants in common to them and their heirs and assigns forever.

200 acres
to J. Crafts

III. *And be it further enacted*, That it shall be lawful for, and the commissioners aforesaid are required to grant letters patent to Jacob Crafts, late a soldier in the army of the United States, in the line of this state, for two hundred acres of land in the tract set apart for the use of the line of this state, to have and to hold the same to the said Jacob Crafts, his heirs and assigns in fee.

200 acres
to the heirs
of J.
Downs.

IV. *And be it further enacted*, That the commission-ers aforesaid be, and they are hereby required to grant letters patent to the heirs and legal representatives of James Downs, late a soldier in the line of this state, in the army of the United States, two hundred acres of land, in fee simple, in the tract set apart for the use of the line of this state, in full for the services of said James Downs.

750 acres
to the heirs
of I. Wool.

V. *And be it further enacted*, That the commission-ers aforesaid be, and they are hereby required to grant by letters patent, to the heirs and legal representatives of Isaiah Wool, deceased, late a captain in colour Lamb's regiment in the line of this state, in the army of the United States, seven hundred and fifty acres of land, in fee simple, in the tract set apart for the use of the line of this state, in full compensation for the services of said Isaiah Wool.

VI. *And be it further enacted*, That it shall be lawful for, and the commissioners aforesaid are hereby required to grant letters patent to James Thorne, Stephen Thorne, Polly Tyson, Eliza Bradley, Sally Thorne and John Thorne, children and heirs of Daniel Thorne, deceased, who was a soldier during the late war in Colonel Lamb's regiment of artillery, for three hundred acres of land in the tract set apart for the use of the line of this state, in the army of the United States, in full compensation for the services of said Daniel Thorne, to have and to hold the same in fee simple, as tenants in common. 300 acres to the heirs of Daniel Thorne.

VII. *And be it further enacted*, That the commissioners aforesaid may, and they are hereby required to grant by letters patent to Henry Impson, late a soldier in the line of this state, in the army of the United States, two hundred acres of land in fee, in the tract set apart for the use of the line of this state, in full compensation for the services of the said Henry Impson. 200 acres to Henry Impson.

VIII. *And be it further enacted*, That the commissioners aforesaid shall, and they are hereby directed to grant in fee, by letters patent, to Magdelane Rynnis and John Springsteen, children and heirs of Hermanus Springsteen, deceased, late a soldier in Colonel Dubois' and Colonel VanCortlandt's regiments, in the line of this state, two hundred acres of land in the tract set apart for bounties to the officers and soldiers in the line of his state, serving in the army of the United States. 200 acres to the heirs of H. Springsteen.

IX. *And be it further enacted*, That the commissioners aforesaid grant letters patent to Daniel Reid, two hundred acres of land in fee simple, in the tract set apart for the use of the line of this state, in the army of the United States, in full compensation for his services as a soldier in said line during the late war with Great Britain. 200 acres to D. Reid.

X. *And be it further enacted*, That the commissioners aforesaid be authorized, and they are hereby required to grant by letters patent, to the heirs and legal representatives of Jonathan Weed, deceased, late a soldier in Colonel Marinus Willett's regiment during the revolutionary war, two hundred acres of land, in the tract set apart for the use of the line of this state, to have and to hold the same in fee, as tenants in common. 200 acres to the heirs of J. Weed.

Whereas Robert Simons, a native of Great Britain emigrated to this country before the American revolution, and in an early part of the war joined Col. Lamb's regiment, in the line of this state, and served therein until he was discharged at the close of the war, and has never gained any legal settlement in any part of this state or of the United States, and is now upwards of eighty years of age, and has a wife nearly seventy years of age, both of whom are unable to maintain themselves, and have no property or relatives who are bound by law to maintain them: And whereas the overseers of the poor of the town of Harpersfield have been at much expence in the maintenance of the said Robert Simons and his wife: Therefore,

XI. Be it further enacted, That the Treasurer to pay \$180 to the overseers of the poor of Harpersfield. **treasurer** pay, on the warrant of the comptroller, to the overseers of the poor of the town of Harpersfield, the sum of one hundred and eighty dollars, being the amount paid by them to the overseers of the poor of the town of Aurelius, pursuant to an order of the court of general sessions of the peace of the county of Delaware, on an appeal from an order of removal of the said Robert Simons and his wife from the said town of Harpersfield to the said town of Aurelius, in the year one thousand eight hundred and eleven.

CHAP. CCII.

An ACT to repeal the acts and parts of acts therein mentioned.

Passed April 13, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That the twelfth and sixteenth sections of the act entitled "An act concerning the commissioners of the land-office, and the settlement of lands," passed the twenty-fourth day of March, one thousand eight hundred and one, and the fourth section of the act entitled "An act relative to certain quit rents and for other purposes" passed the seventh day of April one thousand eight hundred and six, and all acts and parts of acts heretofore passed by the legislature of this state which come within the purview or operation of any of the acts pass

“during the present session of the legislature, commonly called the revised acts, shall be and the same hereby repealed from and after the first day of December next: *Provided however*, That such repeal shall not affect any act done, right accrued or established, proceedings had, suit or prosecution commenced, or penalty, forfeiture, offence or crime incurred or committed previous to the said first day of December next, but every such act, proceeding and right shall remain as valid, and every such suit or prosecution may lawfully proceed, and every such penalty, offence or crime be demanded, prosecuted, recovered or punished, as the case may be, as if all the acts and parts of the acts hereby intended to be repealed had remained in full force: *Provided*, That nothing in the said repealed acts contained shall be so construed as to require the appointment of any officer in pursuance of the said acts, unless the office shall become vacant: *And provided also*, That all acts and parts of acts which are repealed by any act hereby intended to be repealed, and which have not been re-enacted during the present session, shall continue to be so repealed: *And provided further*, That the said acts passed during the present session of the legislature, commonly called the revised acts, shall not take effect, or be in force until the said first day of December next, any thing in the said acts contained to the contrary notwithstanding: *And provided further*, That the “act concerning the commissioners of the land-office, and the sale of the appropriated lands,” the act to facilitate the discovery and sale of the estates of attainted persons, the act concerning deeds, the act concerning the school fund, the act concerning the fees of the several officers and ministers of justice within this state, the act concerning the courts of common pleas and general sessions for the peace in the several counties of this state, “An act for the partition of lands,” “An act to provide against infectious and pestilential diseases,” “An act to reduce several laws relating particularly to the city of New-York into one act,” “An act for the assessment and collection of taxes,” “An act for the sup-

port of government," "An act concerning costs," "An act relative to district attorneys," "An act relative to the city of Hudson," "An act to divide this state into counties," "An act to regulate sales by public auction and to prevent stock jobbing," "An act relating to the city of Schenectady," "An act relative to the city of Albany," and the act for regulating elections, passed at the present session, shall be and continue in full force, any thing in this act contained to the contrary notwithstanding.

CHAP. CCIII.

An ACT for the payment of certain Officers of Government, and for other purposes.

Passed April 13, 1813.

Compensation of the chaplains attending the legislature.

I. **BE** it enacted by the people of the state of New York, represented in Senate and Assembly, That the treasurer shall pay, on the warrant of the comptroller, to such of the reverend clergy as shall have attended the legislature as chaplains during the present session, the sum of two dollars and fifty cents for every day they have so attended, which sums shall be certified by the president of the senate or speaker of the assembly.

Of the clerk of the senate and assembly for index to journals

Additional allowance to treasurers clerk.

Rent and tax of the governor's house to be paid.

II. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to Sebastian Visscher, clerk of the senate, twenty-five dollars for making an index to the journal of the senate and to James Van Ingen, clerk of the assembly, for making an index to the journal of the house of assembly, fifty dollars, together with the like allowance to the clerk of the assembly for an additional assistant clerk during the present session as was allowed for an additional assistant clerk at the last session.

III. *And be it further enacted,* That the clerk of the treasurer of this state shall be allowed, in addition to the salary allowed him in and by the act for support of government, two hundred dollars per annum.

IV. *And be it further enacted,* That the treasurer shall, on the warrant of the comptroller, pay the

the taxes of the house occupied by his Excellency the Governor.

V. *And be it further enacted,* That the treasurer shall on the warrant of the comptroller, pay to the person administering the government of this state to defray incidental expences of administering the government, a sum or sums not exceeding one thousand five hundred dollars.

VI. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay to George Mancius the amount of his account for the postage on the comptroller's official letters.

VII. *And be it further enacted,* That the proviso in the enacting clause of the act entitled "An act to authorize the sale of certain public property in the city of New-York" passed 26th of May, 1812, be and the same is hereby repealed, and that if the mayor, aldermen and commonalty of the city of New-York shall not, by the first day of November next, purchase the government house and lands adjoining, then the authority given to the comptroller in and by said act to sell the said house and land shall cease.

VIII. *And be it further enacted,* That the treasurer shall, on the warrant of the comptroller, pay to Benjamin V. Clench such sum as the comptroller shall determine as a reasonable compensation for his services in the month of December last as auctioneer for the comptroller in selling lands for arrears of taxes.

X. *And be it further enacted,* That the expences incurred by the secretary of this state for printing and transmitting to the several county clerks in this state the act entitled "An act to regulate elections," passed the 29th day of March last, agreeably to the direction of the concurrent resolution of the senate and assembly of the thirtieth day of March last, shall be paid by the treasurer, on the warrant of the comptroller.

XI. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay to the surveyor-general the amount of his account of expences incurred in exploring the Scawyees rapids and Seneca falls,

pursuant to concurrent resolutions of the ~~senate~~ assembly of the 21st day of March, 1812.

XI. *And be it further enacted,* That the ~~treasurer~~ State prison agent, on the warrant of the comptroller, shall pay to the agent of the State Prison a sum not exceeding fifteen thousand dollars, in such sum or sums and at such time or times as the inspectors may require, for the support of the institution.

XII. *And be it further enacted,* That the ~~treasurer~~ Surveyor-general shall, on the warrant of the comptroller, pay to Simon De Witt, surveyor general of this state, for his salary from the first day of July last until the seventeenth day of February last, at and after the rate of two thousand dollars per annum.

XIII. *And be it further enacted,* That the ~~comptroller~~ Stratford return of taxes for 1812 how to be made is hereby authorized to amend, according to the original tax list, the return of unpaid taxes of the town of Stratford, in the county of Montgomery, for the year one thousand eight hundred and eleven, and when so amended it shall in all respects have the same effect as if it had been correct when returned.

XIV. *And be it further enacted,* That it shall be lawful for the attorney-general to convey to Richard Duncan the right, title and interest of the people of this state in and to a certain lot of land in the Royal Grant heretofore sold by the attorney-general under mortgage to the said people, and purchased in by him for and on behalf of said people, whenever the said Richard Duncan shall have first paid the interest due to this state on the debt which the said mortgage was intended to secure, and shall give and execute his bond for the payment of the principal of the said debt in five equal annual instalments, with interest annually, and shall also secure the payment thereof by a mortgage on land, to the satisfaction of the attorney-general, provided the said interest shall be so paid and the said securities be executed on or before the first day of July next.

XV. *And be it further enacted,* That it shall be lawful for the comptroller to pay the rent in arrear and extinguish the ground rent reserved on the arsenal lot

State prison agent to be paid a sum not exceeding \$15,000

Surveyor-general's salary to be \$2000 yearly.

Stratford return of taxes for 1812 how to be made

R. Duncan to receive a conveyance of a certain lot in the Royal Grant.

Rent in arrear, &c. on the ar-

the town of Colonie and county of Albany, and to
 law his warrant on the treasurer for the sum which
 may be necessary for the purposes aforesaid.

XVI. *And be it further enacted*, That it shall be law-
 for Sylvanus Smally and Zebulon Douglass, com-
 missioners appointed by law to build a bridge across
 Oneida creek, in the town of Lenox, in the county
 Madison, to take the timber necessary for building
 said bridge from any of the land belonging to the
 people of this state.

senal lot to
 be paid.

Timber
 may be
 taken from
 state lands
 to build a
 bridge
 across O-
 neida
 creek.

XVII. *And be it further enacted*, That it shall not
 lawful to deposit powder in the public arsenal, sit-
 te in the town of Colonie, in the county of Albany,
 d that if any powder shall be deposited in the said
 arsenal, it shall be the duty of the superintendant there-
 to remove the same without delay after he shall re-
 ceive notice thereof, and in case of his default he shall
 sur the penalty of one hundred dollars, to be recov-
 ered by an action of debt with costs, in the name of any
 person who will sue for the same, the one half to be
 for his own use and the other for the use of the over-
 ers of the poor of the said town.

Penalty for
 keeping
 powder in
 the arse-
 nal in the
 town of
 Colonie.

Whereas Alexander Don, son and one of the heirs of
 William Don, late of the city of Albany, deceased, and
 Janet Don, widow and relict of the said William Don,
 for herself, and as guardian for the remaining four chil-
 dren of the said William, have by their petition repre-
 sented to the legislature that the said William did in
 his life-time purchase lots number one hundred and
 thirteen and one hundred and twenty-five in the late
 Oneida reservation, and received of the surveyor-gen-
 eral certificates of said purchase; that a part of the
 purchase money, with the interest, is still due to the
 people of this state, which they are unable to pay, and
 that valuable improvements have been made on said
 lots: Therefore,

XVIII. *Be it further enacted*, That it shall be law-
 ful for the surveyor-general to sell said lots number
 one hundred and thirteen and one hundred and twenty-
 five, in the manner unappropriated lands are required
 to be sold, and in case said lots shall be sold for more

Heirs of
 W. Don
 relieved.

than shall be then due to the people of ~~this~~ state in the same, such surplus shall be paid to the legal representatives of said William Don, deceased, provided said lots shall not be sold for a less sum than shall be then due for them respectively: And provided said legal representatives shall neglect to fulfil the conditions of the sale to said William Don, as required by the act entitled "An act for the sale of unappropriated lands and for other purposes," passed April 6th, 1803, previous to such sale.

Gaol liberties in Warren county to be designated.

XIX. *And be it further enacted,* That the court of common pleas in and for the county of Warren shall, and they are hereby authorized at any term of the said court, or any three of the judges of the said court out of term, to appoint gaol liberties at the place designated by the act entitled "An act to divide the county of Washington, and for other purposes," for holding the courts of common pleas and general sessions of the peace in and for the said county of Warren.

Prisoners to be allowed to go at large in the same

XX. *And be it further enacted,* That it shall be the duty of the sheriff of said county to permit any prisoner who shall be in his custody to go at large within the limits of the liberties so appointed, under the same provisions which are contained in the act entitled "An act relative to gaols."

First court when to be held.

XXI. *And be it further enacted,* That the first court of common pleas in and for the county of Warren shall begin on the second Tuesday of May next, and may continue to be held until the Saturday following inclusive, any thing in the act entitled "An act to divide the county of Washington, and for other purposes," contained to the contrary notwithstanding.

New list of jurors to be made for the city and county of Albany.

XXII. *And be it further enacted,* That the supervisors and assessors of the city and several towns in the county of Albany shall be and hereby are required to return an accurate list of the names of the several persons residing within the said city and towns who are by law qualified and liable to serve as jurors in the trial of issues joined in the supreme court of judicature of this state, and the court of common pleas for the said county, into the office of the clerk of the said

nty, on or before the first day of August next, that after such return shall be made it shall be the duty of the clerk of the said county to destroy the ballots in the jury box in his office, and cause names of the persons so as aforesaid to be returned with their places of abode, and additions, to be written on separate slips of paper and put into the box of which the names of the jurors are next to be written.

CXIII. *And be it further enacted,* That as soon as a new gaol for the city and county of Albany shall be ready for the reception and confinement of prisoners it shall be lawful for the sheriff of the said city and county to remove his prisoners into the said gaol, thenceforth the same shall be the gaol of the city and county of Albany, and such removal of the prisoners as aforesaid shall in no wise be deemed an escape: *And further,* it shall be lawful for the now next ensuing or any subsequent court of common pleas for the said county to establish and designate the liberties of the said new gaol, which when so established and designated shall be the liberties of the said gaol, and the present liberties of the old gaol shall be abolished in and after the removal of the prisoners aforesaid to the said new gaol.

Prisoners to be removed to the new gaol when finished.

And gaol liberties to be designated.

CXIV. *And be it further enacted,* That the treasurer of this state shall, on the warrant of the comptroller, pay to the president, directors and company of the Highland turnpike, the sum of five thousand dollars in addition to the sum heretofore granted, to be laid out by them in building a bridge over Croton river, on the post road leading from the city of New York to the city of Albany, and to be paid when the bridge shall be completed: *And further,* That so much of the fifty-eighth section of the act entitled "an act for the payment of certain officers of government, and for other purposes," passed June 19th, 1822, as inhibits the directors and company of the Highland turnpike road from receiving any toll for crossing the said bridge, be and the same is hereby repealed, so that the toll which may be received for crossing

Treasurer to pay \$5000 to the Highland turnpike company.

Toll may be taken for crossing the bridge on Croton river.

the said bridge shall be laid out and expended in pairs of the said bridge, and in or towards the completing and keeping in repair the said turnpike road between the said bridge and Fishkill.

Suits on constables bonds how to be prosecuted.

XXV. *And be it further enacted,* That all suits and actions on any bond executed by any constable and his sureties for the faithful performance of the duty of his office, shall be prosecuted within two years after the expiration of the year for which such constable shall be elected.

Surveyor general to publish a notice relative to leasing the Stedman farm.

XXVI. *And be it further enacted,* That it shall be the duty of the surveyor-general forthwith to publish a notice in the newspaper published by the printer to this state, and in three of the newspapers published in the Western District of this state, for six weeks in succession, that the tract of land called the Stedman farm, on the Niagara river, is to be leased for the term of one year from a day to be mentioned in such notice, to the person who shall before such day offer to accept of such lease on the terms which in the opinion of the surveyor-general shall be the most advantageous to this state; and the surveyor-general is authorized to execute such lease on the part of this state, and to insert in the counterpart of such lease to be executed by the lessee such covenants as he shall deem proper, and exact such security from the lessee for the performance of the covenants contained in such lease as he shall deem proper and necessary.

May sell part of the unappropriated lands in lots exceeding 200 acres.

XXVII. *And be it further enacted,* That it shall be lawful for the commissioners of the land-office to direct the surveyor-general to sell in parcels exceeding the quantity of two hundred acres, such of the unappropriated lands as they shall judge not saleable to advantage in separate lots or parcels of that quantity any thing in the act entitled "An act concerning the commissioners of the land-office and the sale of unappropriated lands," to the contrary notwithstanding.

Corporation of Albany ex officio members of the

XXVIII. *And be it further enacted,* That the mayor, recorder, aldermen and assistants of the city of Albany shall and may, by virtue of their respective offices,

members of the Albany Lancaster school society, any
 w to the contrary notwithstanding.

Lancaster
 school so-
 ciety.

XXIX. *And be it further enacted,* That the provi-
 ons of the act entitled " An act concerning slaves
 and servants," relative to the importation and exporta-
 on of slaves, shall not be construed to extend to cases
 here persons residing within and near the boundary
 ae of this state and owning and occupying land over
 ie said line in a neighbouring state, shall bring such
 aves into or take them out of this state for the pur-
 ose of cultivating the land which he may so own and
 occupy in either state.

Act rela-
 tive to
 slaves and
 servants
 amended.

XXX. *And be it further enacted,* That the trea-
 rier shall, on the warrant of the comptroller, pay to
 obert Macomb the balance which may be due on
 is account for services as clerk of the courts of oyer
 nd terminer and general gaol delivery and general
 sessions of the peace, in and for the city and county
 f New-York, as the same shall be audited and allow-
 d by the court of exchequer.

Treasurer
 to pay R.
 Macomb a
 balance
 due him.

XXXI. *And be it further enacted,* That where any
 ine of division between any two towns in this state
 hall intersect any farm or dwelling-house, all the
 axes on such farm shall be levied upon and paid by
 he owner or possessor in the town where his dwelling-
 ouse or the greater part thereof shall be, any thing
 n the act entitled " An act for the assessment and col-
 ection of taxes" to the contrary notwithstanding.

Taxes show
 to be paid
 where
 farms are
 intersect-
 ed by town
 lines.

XXXII. *And be it further enacted,* That the trea-
 surer shall pay, on the warrant of the comptroller, to
 he adjutant-general of this state the sum of four hun-
 dred and fifty dollars, as an additional compensation
 for his services for one year, to commence on the first
 day of March last, payable quarter yearly.

Additional
 allow-
 ance to the
 adj. gen.

XXXIII. *And be it further enacted,* That in all cases
 wherever a tax has been or shall be paid into the trea-
 sury of this state by mistake, or which by law the
 state had no right to receive, it shall be the duty of the
 treasurer, and he is hereby authorized, on the warrant
 of the comptroller, to refund the same to the party

Taxes paid
 by mistake
 to be re-
 funded.

appointed or to his representative, any and to the contrary notwithstanding.

Section 1. **XXIV.** And be it further enacted, That whoever shall make sale of any lands, tenements or real estate under and by virtue of any execution or writ received and delivered, and has died or shall be before signing and executing the deed of sale and conveying it shall and may be lawful for the executor or administrators of said deceased sheriff to make and execute a deed of conveyance to the purchaser in the same manner as the said deceased sheriff might or could have done had he remained alive, any law to the contrary notwithstanding.

Section 2. **XXV.** And be it further enacted, That it shall be and hereby is made the duty of the secretary of this state, to furnish, at the expence of this state, one copy of the reports of the supreme court and court of errors of this state for the use of each of the courts of common pleas in the several counties of this state not already provided for in the act entitled "An act to authorize the supreme court to appoint a reporter," and the treasurer shall, on the warrant of the comptroller, pay the amount paid by the secretary.

Whereas it appears by the report of the surveyor-general that the undivided twelfth part of a gore of land between the bounds of Hosick and the partition line of the patent of Pittstown was forfeited by the attainder of Robert Leake, and the same was on behalf of the state sold at public auction to Josiah Masters for the consideration of eight hundred and twenty dollars, which sum has been duly paid by him into the treasury, and that afterwards other documents were discovered on which the attorney-general certified that instead of the said undivided twelfth part of the part of said gore of land forfeited as aforesaid was the undivided half part of the lands in said gore lying respectively opposite to lots number one hundred and seventy-five and forty-three, in the patent of Pittstown, and extending from said lots to the bounds of the patent of Hosick,

reason whereof the surveyor-general could not give conveyance of the premises: Therefore,

XXXVI. *Be it further enacted* That the treasurer ^{Treasurer to pay \$949 to J. Masters.} on the warrant of the comptroller, to the said Josi- Masters, the sum of nine hundred and forty-nine dollars in lieu of the lands so as aforesaid sold to him, and in full satisfaction of the money so by him paid to the treasury as aforesaid.

XXXVII. *And be it further enacted*, That a sum ^{A redoubt to be erected on Signal Hill.} not exceeding twenty-two thousand dollars be and hereby is appropriated for the purpose of erecting a doubt or protecting work on Signal Hill, near the arrows on Staten-Island.

XXXVIII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Ezra Ames, for a full length portrait of Gen. George ^{Portrait of G. Washington to be purchased of E. Ames.} Washington, such sum of money as shall be allowed therefor by the committee authorized by a concurrent resolution of the senate and assembly, passed April 2, 1813, to purchase the same, which portrait shall be placed in the assembly chamber in such manner and with such embellishments as the secretary of state, the comptroller and surveyor-general shall direct.

XXXIX. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Henry Starring, Junior, the sum of seventy dollars, ^{\$70 to be paid to H. Starring, jun.} full for his expences for conveying prisoners sentenced to the state-prison from the county of Herkimer to the county of Westchester, where they effected their escape.

XL. *And be it further enacted*, That it shall be lawful, and it is hereby made the duty of the treasurers of the counties of Ontario and Genesee, that out of the first monies they may receive for arrears of taxes due said counties from the treasurer of this state, they shall then severally pay to Hugh M'Nair, Joseph W. Lawrence and John H. Jones, the sum of two thousand dollars for the use and purpose of building a bridge over the Genesee river, between the towns of Genesee and Lincester, at or near the ferry now kept by Peter Lebee, and that it shall be the duty of the said Hugh ^{Treasurers of Ontario and Genesee to pay certain monies to build a bridge over Genesee river.}

McNair, Joseph W. Lawrence and John H. Jones give a bond to the said treasurers to the amount of five thousand dollars for the faithful discharge of their duty as commissioners to build said bridge, and when said bridge is completed, they shall then settle and account with the respective boards of supervisors of the said counties of Ontario and Genesee for the trust hereby reposed in them.

Deputies
of sup. of
Salt
springs
prohibited
from being
concerned
in salt
works.

XLI. *And be it further enacted,* That no one of the deputies or assistants of the superintendant of the salt-springs shall hereafter be directly or indirectly concerned in any salt-works (except by evaporation otherwise than by fire) and the said superintendant shall appoint in each of the three villages in which salt is or shall be manufactured under his superintendence, an assistant deputy to act only in case of the absence of such deputy, one of whom shall attend constantly at some known office of inspection to be established and pointed out as such by a suitable sign placed in a conspicuous place, from the rising to the setting of the sun on each day of the week, Sabbath excepted, for the purpose of inspecting all salt sold in said villages, and receiving the duties thereon.

Surveyor-
general di-
rected to
settle with
T. Moun-
sey for ar-
rears of
rent on the
public lot
in the
Colonie.

XLII. *And be it further enacted,* That it shall be lawful for the surveyor-general to settle with Thomas Mounsey for the arrears of rent due on the lease given by the surveyor-general on behalf of this state to the said Thomas Mounsey, of part of the public lot situate in the town of Colonie, in the county of Albany, and to deduct therefrom such sum of money as the surveyor-general shall deem reasonable to be allowed to the said Thomas Mounsey for the value of permanent improvements by him erected and left on the demised premises at the expiration of the said lease, and upon payment of the balance of the said rent, with the costs accrued thereon, to give the said Thomas Mounsey a full discharge of the said rent.

A wall to
be built on
the east
side of the
lot on
which the
public of-
fices stand
in Albany.

XLIII. *And be it further enacted,* That the secretary, the attorney-general, the surveyor-general and the treasurer of this state be and they are hereby authorized to cause to be erected a good and substantial wall of

east side of the lot in the city of Albany on which building in which the public offices are kept is erect- and to make such other necessary erections and repairs on and about said lot as to them shall appear proper and that the treasurer, on the warrant of the comptroller, shall pay the expence of such erections and repairs : And further, that the said public building shall hereafter be known by the name of the State Hall.

State Hall.

XLIV. *And be it further enacted,* That the treasurer of this state be and is hereby authorized to pay, upon the warrant of the comptroller, to James Fairlie, the clerk of the supreme court residing in the city of New-York, the sum of eighty-nine dollars and fifty-four cents, being the balance due to him for monies expended by him in pursuance of the act entitled "An act to provide for the due preservation of the records and papers in the office of the clerk of the supreme court in the city of New-York," over and above the sum by said act appropriated for the purposes therein mentioned.

\$89 to be paid to J. Fairlie.

XLV. *And be it further enacted,* That the treasurer of this state shall, on the warrant of the comptroller, pay to William P. Van Ness and John Woodworth, each five hundred dollars, in full for the performance of the services required of them by the act entitled "An act making provision for the revision of the laws of this state," passed April 4, 1811.

\$500 each to be paid to W. P. Van Ness and J. Woodworth.

XLVI. *And be it further enacted,* That the comptroller is hereby authorized to audit the accounts of each clerk as may have been employed by the said William P. Van Ness and John Woodworth in copying and engrossing the revised laws, and for stationary, and for their services, in auditing whereof the comptroller shall allow such sum for every folio copied or engrossed by such clerks containing seventy-two words as the said William P. Van Ness and John Woodworth shall certify to be reasonable, and the treasurer, on the warrant of the comptroller, is hereby directed to pay the same out of any monies in the treasury.

They are to be allowed for clerk hire.

XLVII. *And be it further enacted,* That the treasurer pay, on the warrant of the comptroller, to such

Portrait of G. Clinton to be purchased.

person as the secretary of state, the comptroller or the surveyor-general shall direct, such sum as shall be by them allowed for a full length portrait of the late George Clinton, which they are hereby authorized to purchase for the senate chamber, with such embellishments as they shall think proper.

XLVIII. *And be it further enacted, That it shall be lawful for the president, directors and company of the union turnpike road to take at each gate upon their road, upon every one horse pleasure waggon, six and one quarter cents, for passing said gate, any thing in their act of incorporation to the contrary notwithstanding.*

XLIX. *And be it further enacted, That nothing in the first section of the act entitled "An act for the relief of debtors from the imprisonment of their persons," shall be deemed or construed to extend to imprisonment of plaintiff, or lessors of the plaintiff for costs only, in any suit hereafter to be brought.*

L. *And be it further enacted, That in all executions to be issued on judgments hereafter to be recovered upon contracts, it shall be lawful to direct the collection of the interest on the said judgment from the time of recovering the same until paid.*

LI. *And be it further enacted, That the comptroller is hereby required to postpone the sale of the lands for the tax laid in pursuance of the act entitled "An act to amend an act entitled "An act supplementary to an act for improving the road from Chester to Canton," passed the 15th June, 1812, and advertised to be sold on the first Monday of May next, until the first Monday which will be in the month of April next, and that he shall forthwith give notice of such postponement in the newspapers in which the said lands are advertised for sale, and continue such notice once a week for three weeks successively; and it shall not be necessary to continue the publication of the said advertisement nor of the said notice of postponement, beyond the times by this and the said act required, but that he shall give notice in the said newspaper once a week for six weeks successively, immediately*

turnpike
company
allowed to
take addi-
tional toll

First sec-
tion of the
act for the
relief of
debtors,
&c. amend-
ed.

Interest to
accrue on
judgments
on con-
tracts from
the time of
recovery.

Comptrol-
ler direct-
ed to post-
pone cer-
tain sales.

And give
notice of
such post-
ponement.

ceding the said first Monday of April next, that of the lands that remain charged with the said, and that were so as aforesaid advertised to be on the said first Monday of May, will be sold on said first Monday of April, as will be necessary to pay the said tax, and the charges of advertising and sale.

II. *And be it further enacted*, That the treasurer on warrant of the comptroller, shall pay to John Richards, out of the proceeds of the tax raised in pursuance of the act entitled "An act to amend an act entitled "An act supplementary to an act for the improvement of the road from Chester to Canton," passed the 15th June, 1812, fifty-two dollars and eleven cents, in addition to the compensation allowed him in and by said act, in full for his services as assessor under that act and the act amended by the same.

\$52, 11 to be paid to J. Richards.

LIII. *And be it further enacted*, That the assessment made by the said John Richards in the month of June last, shall be as valid as if the same had been made in the month of May last, any thing in the act entitled "An act to amend an act entitled "An act supplementary to an act for the improving the road from Chester to Canton," passed the 15th June, 1812, to the contrary notwithstanding.

Assessment made by him in June last rendered valid.

LIV. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to Henry Southwick fifty dollars for stitching five thousand copies of the report to the legislature of the commissioners for taking into consideration all matters relating to the improvement of the internal navigation of this state.

\$50 to be paid to H. C. Southwick.

CHAP. CCIV.

An ACT concerning the execution of Writs ad quod damnum.

Passed April 13, 1813.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That in all cases in which a writ ad quod damnum is to be executed to ascertain the damages of any person whose lands may be taken for the use of the United States,

it shall be lawful for the chancellor, when in *his* opinion a fair and impartial assessment cannot be had *by* a jury of the county in which the lands are situate, to order a struck or foreign jury for the execution of such writ.

ERRATA.

- Page 4, chap. 2, title, after *compensation*, for *of* read *to*.
 24, 25, sec. 1, line 4, for *Pew* read *Tew*.
 42, 43, sec. 4, line 7, for *perfect* read *forfeit*.
 45, 46, after title, for *March 15* read *March 5*.
 46, 47, sec. 3, line 14, for *hereby* read *thereby*.
 53, 52, sec. 1, line 2, after *That* insert *out*.
 111, 76, sec. 2, line 4, after *capital* insert *stock*.
 sec. 3, line 4, after *provided* insert *for*.
 133, 87, sec. 4, last line, for *interest* read *intent*.
 157, 100, sec. 1, last line, after *for* insert *the*.
 174, 112, sec. 1, line 15, for *Heary* read *Henry*.
 178, 115, title, after *inhabitants* insert *of the village*.
 sec. 5, line 11, for *respective* read *faithful*.
 190, 118, preamble, for *Mersier* read *Mesier*.
 205, 130, after title, for *April* read *April*.
 223, 143, sec. 2, line 1, after *from* insert *and*.
 238, 148, sec. 3, line 12, after *assigns* insert *or his*.
 240, 150, sec. 2, line 26, after *purchase*, for *of* read *or*.
 line 27, after *funds*, for *or* read *of*.
 248, 156, title, for *Genesee* read *Greene*.
 260, 165, sec. 3, line 9, for *monies* read *minors*.
 263, 168, sec. 1, line 4, for *Whitney* read *Whiting*.
 278, 179, preamble, line 4, for *petition* read *petition*.
 303, 192, sec. 3, line 2, after *such* insert *by*.
 336, 203, sec. 42, line 11, after *lease* insert *beyond the stipulations contained in the said lease*.

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